

**N.R.A. CODES
FILM NO.**

23

ARRANGED BY
T. R. SCHELLENBERG
Executive Secretary
Joint Committee on Materials for Research
(WASHINGTON, D. C. 1934)

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Series C17

NATIONAL BOARD OF ADMINISTRATION

Washington, D. C.

Friday, September 22, 1933.

CODE OF FAIR COMPETITION FOR THE
AMERICAN NEWSPAPER PUBLISHERS'
INDUSTRY.

Deputy Rogers, presiding.

The hearing was called to order by Deputy Rogers in
the Auditorium, Department of Commerce Building, Washington,
D. C. at 10 o'clock a. m.

Deputy Rogers: This is a hearing on the proposed code
of fair competition for the American Newspaper Publishers
Industry as revised for public hearing today.

The Industrial Advisers for this hearing are Mr. John
B. McCarren, of Cleveland, Ohio, and Mr. George E. Smith, of
Rochester, Massachusetts. The Labor Adviser is Major George
I. Berry. The Legal Adviser is Ernest A. Gross. The
Consumers' advisers, Mr. E. T. Gushue and Mr. D. W. Foster.
The Division of Research and Planning of the Industrial
Recovery Administration is represented by Mr. Stone.

The Code of the American Newspaper Publishers' Industry

will be presented by Mr. Hanson.

STATEMENT OF ELLIEN HANSON
723 Fifteenth Street, Northwest,
Washington, D. C.

Mr. Hanson: Before proceeding with the presentation of the Code, and a discussion of the Code itself, I want to submit herewith an amendment to Section 15, which is the Code Authority Section, agreed to yesterday afternoon at a conference of the representatives of the Association which are sponsoring this Code. As Section 15 stands in the printed copy of the Code, it provides that the entire Board of Directors of the American Newspaper Publishers' Association together with designated representatives from each one of the five regional associations, and such representatives as are appointed by the President, shall constitute the Code Authority.

In view of the fact that there are fourteen members of the Board of Directors of the American Newspaper Publishers' Association, it was thought that that would be a rather unwieldy, large authority, and so, in order to facilitate the administration, and in order to get members of the authority in to work, whenever they are needed, if they ever be needed, it was decided by mutual consent to reduce the number of representatives of the ANPA to five, thinking that would

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provide a more flexible Code Authority and I hand you herewith a letter which I ask to be made a part of the record, covering that point.

Deputy Rogers: Put that letter in the transcript.
(The letter referred to is as follows:)

HANSON, LOVE T & DALL

Securities Building,
723 Fifteenth Street,
Washington, D. C.

September 21, 1933.

National Recovery Administration,
Washington, D. C.

Attn. Dr. Lindsey Rogers,
Deputy Administrator.

Sirs:

At a conference held this afternoon of the associations which joined in the presentation of the Code for daily newspapers submitted by the American Newspaper Publishers' Association, it was agreed to submit to the National Recovery Administration for approval of the following substitute section for Section 15 of the daily newspaper code.

"15 - The provisions of this Code shall be administered by a Code Authority composed of five members of the Board of Directors of the American Newspaper Publishers' Association and one representative from each of the following regional associations -

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the New England Daily Newspaper Association, the Southern Newspaper Publishers' Association, the Delaware Valley Association, the Island Daily Press Association and the Pacific Northwest Newspaper Association - and such representatives or representatives, not to exceed three, without vote, appointed by the President of the United States. The President of the American Newspaper Publishers' Association shall be the Chairman of the Code Authority and the General Manager of the Association shall be the Secretary of said Authority. The Authority shall have the power to select advisory groups without vote, employ counsel, clerical and expert help, and to make assessments only for necessary expenditures. A record shall be kept of all its proceedings.

The Code Authority shall cooperate with the Administrator in making investigations as to the functioning of the Code and such investigations may be made at its own instance, at the instance of the Administrator, or at the instance of any person of interest. Reports on such investigations shall be made to the National Recovery Administration.

Very truly yours,

AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION
By (Signed) Ellien Hanson,
Its Attorney.

Mr. Hanson: I might state that my name is Ellien

Hanson, my address 729 Fifteenth Street, Northwest, Washington, D. C. I am attorney for the American Newspaper Publishers Association, which, in cooperation with the five regional associations of this country, the New England Daily Newspaper Association, the Del-Mar-Va Association, the Southern Newspaper Publishers Association, the Inland Daily Press Association, and the Pacific Northwest Newspaper Association, - prepared and presented this code. In behalf of all of these associations, I now ask its approval, and I am authorized in addition to request it in behalf of the three largest state associations in the membership of which are publishers of daily newspapers.

The membership of these associations is as follows:

American Newspaper Publishers Association	428
New England Daily Newspaper Assn.	73
Del-Mar-Va Association	52
Southern Newspaper Publishers Association	206
Inland Daily Press Association	250
Pacific Northwest Newspaper Association	35
Pennsylvania Newspaper Publishers Association	111
California Newspaper Publishers Association	132
New York State Publishers Association	80
Total	1367

Of course, there are some duplications in membership but allowing for these, the code is sponsored by more than

daily 1000/newspapers of this country through their duly authorized trade associations. The American Newspaper Publishers Association is the only national organization, the membership of which is limited to publishers of daily newspapers.

The membership of each of the regional associations likewise is limited to publishers of daily newspapers. By a daily newspaper, I mean one published daily or daily and Sunday. The membership of the New York State Publishers Association likewise is limited to daily newspapers. While that of the California and Pennsylvania Associations is not so limited, only those members publishing daily newspapers are included in the total number of members just given.

There are nearly 2,000 daily newspapers in the United States, with circulations ranging from 1000 copies to more than 1,000,000 copies daily. All types from the smallest to the largest are represented in the membership of the organizations sponsoring this code. In the American Newspaper Publishers Association, contrary to oft repeated mistaken statements, there are publishers of small as well as large dailies. From an experience of more than eleven years as the representative of this Association in a great variety of proceedings, I can say most emphatically that the interest taken by these publishers of smaller newspapers in the problems common to all is just as keen as that of any of the publishers of larger newspapers. And in enterprises such as this great

endeavor to resist in bringing about national recovery, there is no less desire and there is no less zeal on the part of these smaller newspapers to participate in the program.

I make this statement so that the record may show that this code is not presented in behalf of any particular group of daily newspapers, but in behalf of all, irrespective of Bureau files location, size, or political adherence.

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This Code is a result of deliberations conducted over many weeks by a committee of twenty-five publishers representative of the organizations which have joined in submitting it for approval and truly representative of the entire scope of the business of publishing daily newspapers.

Newspapers are not a national industry; they are, on the contrary, by nature and necessity, local in their scope.

Conditions in each locality control and regulate such fundamental factors as number of editions, time of publication, method of distribution, etc.

It is obvious, for example, that costs in Salem, Oregon, can have little or no effect on the cost of publishing a paper in New York.

With nearly 2000 daily newspapers in the United States having circulations ranging from about 1000 copies daily to over 1,000,000 daily, the problem of preparing a Code which, in its main features, would be equitable to all was necessarily a difficult and complicated one.

With such a variety of conditions confronting it, it is remarkable that the committee was able to prepare a Code at all.

However, the facts are such a Code was prepared, that provisions in it were accepted by the National Recovery Administration as substitute provisions for paragraphs in the President's Reemployment Agreement, and that stage August 15th

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publishers of daily newspapers throughout the country have adhered to the provisions of this Code.

It has, in many of its essential parts, met the test of actual use, even though but for a short time, and, in the opinion of publishers, met it satisfactorily.

I shall now take up the Code paragraph by paragraph and explain it.

Paragraph (1) includes a statement of purpose and definitions of certain terms used in the Code.

Paragraph (2) states that the American Newspaper Publishers Association is and fixes the term of the Code. In addition, for purposes of administration, this paragraph provides that any publisher not a member of the association but who subscribes to the Code, shall be regarded for Code purposes only as a member of the association.

This provision is especially important for a number of reasons:

Because of the limitations of the First Amendment to the Constitution of the United States, it is the opinion of the committee which drafted this Code that many of the provisions of the National Industrial Recovery Act could not be applied to newspapers.

Therefore, until the President announced his nationwide reemployment program, there was neither occasion nor necessity for publishers to submit any agreement or Code.

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When that program was announced, however, there was an immediate desire on their part to assist, but this desire necessarily was accompanied by the problem of unifying their resistance in a manner and by a method which not only could obtain the desired result but obtain it in a legal way, with no impairment of rights or obligations.

While our committee was hard at work on this problem it was subjected to some criticism by some persons, including a very few publishers, on the ground that it was seeking special privileges for the press.

The press for which I speak today neither desires nor requires any special privileges. It seeks none.

The First Amendment to the Constitution of the United States provides that Congress shall make no law abridging the freedom of speech or of a free press.

This amendment contains a threefold obligation; on Congress not to take such a law, on the press to resist it if passed, and on the people to preserve their right to free speech as well as their right to have a free press.

In the opinion of the committee which drafted this Code, that Constitutional provision places a duty on publishers to protect the right of a free press; not as a matter of privilege to themselves, but as a sacred duty to the public whom they serve.

From a purely legislative point of view, this right comes

only to the publisher.

Each individual publisher, in so far as he alone is concerned, may, either for a consideration or by a course of conduct, waive it.

No organization of publishers could waive the right in behalf of any publisher not a member of the organization nor, even if a member, for one who refused to subscribe to an agreement waiving it.

As I have stated, the Act provides for the use of injunctions to restrain violations of Codes filed thereunder. In addition, in another section, it provides for the application of a licensing system in special cases.

No press, subject either to injunction or revocation of licenses, by the use of either of which method it could be suppressed, can for one moment be considered a free press.

Because of this Constitutional provision granting not only a right to the press but imposing an obligation on it, paragraph (2) was so phrased that publishers desiring to aid in the recovery movement might do so of their own free will and accord, but could not be compelled to subscribe by any authority set up in this Code or sought to be deduced from the Act.

At no time during the deliberations over this problem was there any thought on the part of our committee, or any individual member of it, that the power to suppress any

forth in the Act would be invoked against the press by either the President or the National Recovery Administration.

Even so, without the inclusion of this method for voluntary action provided in paragraph (2) and the reservation set forth in paragraph (11), I can authoritatively state that, irrespective of the action of a few individual publishers, the great majority could not have given their way clear to join in this program so wholeheartedly as they have done.

Paragraph (3) prevents the employment of persons under sixteen years of age, except those who are able, without impairment of health or interference with day school, to deliver or sell newspapers, and others between fourteen and sixteen years of age who may be employed in non-mechanical vocations not over three hours per day between 7 a. m. and 7 p. m., but not during school hours.

Over the entire history of the press in this country, a great part of its distribution has been carried on by boys, many of whom start to work as carriers or corner sales boys before they reach the age of sixteen.

Today, in every field of endeavor in this country, there are executives who learned the habits of regularity and persistence by delivering newspapers as boys.

Not the least of these is the present head of the National Recovery Administration.

Publishers take a keen interest in the welfare of their carrier boys and Mr. E. T. Stodghill, former president of the International Circulation Managers Association and now chairman of its welfare committee, later this morning spoke on the relationship between the carrier boys and publishers.

Paragraph (4) fixes a forty hour week for inside employees other than those engaged in mechanical processes. This paragraph exempts from the forty hour week certain outside employees, not to exceed ten per cent of the total number employed, whose hours of work cannot be arbitrarily fixed.

Paragraph (5) fixes a maximum work week and a maximum work day for mechanical employees. Mr. Kelly will speak on this.

I shall refer to it only briefly by stating that, while in many of the larger newspaper offices, in populous cities, at this time, it might be possible for publishers to ignore both the work day and the work week were it not for restrictive regulations of employee unions, this paragraph for the great majority of our members is a difficult one with which to comply.

There is, at present, in many smaller cities, an actual shortage of competent mechanical men, skilled in the production of newspapers.

Full details as to these conditions will be given you by other witnesses.

At the present time, State and regional associations find it difficult to supply the demands of their members for competent printers, stereotypers and pressmen.

In preceding hearings this week, you have had no need for you two pictures:

One of unemployment in the cities and the other of full employment outside.

Without some authority to compel the unemployed city men to move out into the smaller places and there work in the trade, newspaper publishers will find it difficult indeed to adhere to paragraph 5.

Of course, they seek no such authority. However, they have subscribed to the principle therein set forth, and will do their best to comply.

The facts are merely presented to show how unreasonable a demand for a still shorter week is, unless those making it are able to guarantee an adequate supply of labor to all.

Of course, such a guarantee is impossible and, if offered by others, it must be considered as in the realm of the fantastic.

Paragraph (6) fixes minimum wages for employees other than mechanical.

Paragraph (7) fixes minimum wages for mechanical workers.

This paragraph provides a minimum wage of forty cents an

hour.

This minimum may be attacked on the ground that publishers may attempt to reduce wages generally to that level.

They have no such intention. The minimum wage was taken from the President's Reemployment Agreement.

The essential portions of this paragraph are those provisions as to compensation of employees whose hours of labor are reduced in accordance with the Code.

If such hours are reduced, then the employer shall pay either the hourly rate which prevailed in his community on July 15, 1929, or a weekly wage not less than that received by the employee on July 1, 1933.

Paragraph (8) is the usual exception paragraph covering professional persons, those engaged in managerial capacities, and those engaged in special work.

Paragraph (9) provides for due regard for the sanctity of contracts.

For many years members of the organizations which submitted this Code have had contracts with their employees arrived at through collective bargaining. At the time the Code was submitted, there were any number of such contracts in full force and effect.

This paragraph merely provides that other sections of the Code shall not affect the terms and conditions of such contracts.

Paragraph (10) is the mandatory section of the act which provides for collective bargaining.

Paragraph (11) has been referred to in connection with my discussion of paragraph (2).

Again it is important to point out that this is a voluntary Code, to which publishers may or may not subscribe, as their judgment dictates.

There is no power embodied in any of its provisions to compel any publisher or any group of publishers to sign it, to become a party to it, or to be obligated by any of its provisions.

Adherence to its provisions can be obtained only through action by the individual and in no way by action collectively. Furthermore, this paragraph specifically maintains the rights, as well as the obligations, of publishers, under the basic law of this country.

Deputy Rogers. If what you say is so, do you not think this paragraph is surplusage?

Mr. Hanson. No, sir, I do not.

Deputy Rogers. Why not?

Mr. Hanson. For the simple reason that if that paragraph were not in there somebody might say that by the decisions of the courts, by the conduct of the publishers in submitting the code without that reservation, they had waived those rights. The decisions are absolutely sound on that point.

Paragraph (12) is one which will be discussed more in detail by Mr. Kelly. Briefly, what this paragraph provides is that, during the period of this code, publishers who re-adjust their schedules of hours of employment shall not, as a condition of adherence to the code, be compelled to pay punitive rates for services rendered within the maximum work day.

Paragraph 13 is a relief section which provides for relief, under a stay order from the NRA, in the case of unusual conditions, incident either to economic hardship or shortage of labor. It is essentially a necessary provision, particularly for many of the small newspapers, without which the code could not be made to work equitably throughout the country. It has been in effect as a substitute for Paragraph (14) of the President's Re-employment Agreement. The principle of the paragraph is sound. And it is just a common-

tial part of this code as any other provision in it.

On that paragraph, Mr. Administrator, let me say that since the provisions of our code were accepted by the NRA as a substitute for certain provisions in the President's Re-employment Agreement, we have had another kind of Blue Eagle announced, the wounded eagle. People who signed these conditions for stays sometime after our code was approved as a substitution are now given a blue eagle with a wound stripe.

The effort in creating this code was to provide so that everybody who could comply with the maximum hours and the minimum wages should do so, but in those towns and cities where there is no supply of labor, or where there is an inadequate supply, it seems to me that if every effort is made to comply and the exemptions are only filed in an action with those conditions which make it impossible of compliance, no such stripe should be placed on the Eagle.

Mr. G. K. Butler, who is President of the Inland Daily Press Association, which association subscribed to this code when it was originally submitted, will speak to you later today on this point, and I am authorized to say that if the wound stripe is to be maintained, then we shall ask for a more flexible provision on maximum hours, so that any man who files the Blue Eagle will not necessarily be ashamed of it.

Deputy Rogers. You offer an amendment to Section 13,

do you not?

Mr. Hanson. There is a slight amendment there on economic conditions, because a number of small papers have got situations where there are no banks in their counties or various others, and it is almost impossible for them to change their hours or wages at the moment.

Originally the section covered just shortage of employment, and we add the question of economic hardship and distress, which is in line with the provisions of the President's re-employment Agreement.

Deputy Rogers. Do you want to offer the amendment now? Or will Mr. Long offer it?

Mr. Hanson. I will offer the amendment now. The amendment is as follows:

"13. During the period of this code, a publisher in any city where there are abnormal conditions of business distress or where there is a shortage of labor of any of the classes mentioned in Paragraphs (4) and (5), which conditions or shortage will create an unavoidable hardship, may, in a petition approved by the association, obtain a stay of the requirements of Paragraphs (4) and (5) pending investigation by the National Recovery Administration, if he agrees to abide by the decision of such investigation."

Paragraph (14) is vital if this or any code is to be signed by publishers of daily newspapers. For years, pub-

lishers have recognized the right of their employees to bargain collectively, if the employees so desired. It was done 30 years ago. They have no complaint against that section of the law which provides for or active bargaining. They deny, however, every interpretation placed upon that law by self-appointment. I might say self-appointed, - spokesmen for employees, who are sorry coming the country and inferior employees and employees alike it is only through them that the employees can bargain, and it is only as members of their particular organizations that employees can get any benefits under the National Industrial Recovery Act.

This section has two important provisions. The first protects both employer and employee from the interference of the third parties. The second protects employee in their employment if they do not desire to join with some of their fellow-employees in a particular organization.

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Let us illustrate, recently representatives of the International Typographical Union descended upon a newspaper plant in a small and western city and informed the proprietors therein they could not obtain the benefits of the recovery act except by joining the International Typographical Union. Having been employed full time throughout the depression, they resented this interference, rejected the Union demands to organize and notified their employer of their action.

Another illustration of the necessity of this section, some ten days ago a publisher of a large newspaper, one of whose mechanical departments is not unionized, called me on long distance telephone to make inquiry as to his rights, as well as his obligations to employees of long standing in this situation. A small number of employees decided to organize the department, and not only organize it but unionize it. They submitted their plan to all of their fellow workers, a majority of whom rejected it and declined to join their union. Thereupon, the minority group notified the employer they had grouped together for collective bargaining and that, as a part of the bargain they sought, they demanded a union shop, closed to any but union employees. They further demanded that the employers compel their fellow-workers to join their union, and, in the event of refusal, to discharge them and fill their places with workers who would join.

Let there be no misunderstanding as to the advice I gave

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this employer. It was that no employee would be coerced, either by employer or fellow-employee, to join any organization in order to retain his employment.

The law is clear on this point. I do not seek to modify it or qualify it in any particular. But publishers do intend, so far as it is within their power, to protect those employees who have served them long and faithfully. The publishers' desire to have a permanent staff of men regularly employed in their composing rooms is in full accord with the act. In NIA Bulletin No. 2, Paragraph 7, Section A, it is stated:

"An average work week should be designated as far as possible to provide for such a spread of employees as will provide work, so far as practical, for employees normally attached to the particular industry."

This desired and has been substantially maintained by daily newspapers.

If the country at large has kept its employment and pay-rolls on the level of the newspaper industry, there would have been no need for any codes at all.

Newspaper publishers do not claim that this is due to any especial patriotism on their part, but solely because a daily newspaper, by its very nature, is under the compulsion of continuous production.

A daily newspaper can not materially reduce its

or shut down its plant is keeping with reduced revenues. The very depression, uncertainty and ferment which hinder business and reduce employment throw an increased demand upon newspapers to secure and distribute the news.

There is no major business activity in the United States which operates throughout on higher wage scales or whose pay-rolls represent so large a proportion of cost of production, wages alone account for approximately 50 per cent of the total cost of daily newspaper production.

Deputy Rogers: Let us go back to paragraph 14

Mr. Hanson: Yes, sir.

Deputy Rogers: You say that does not attempt to modify, amend, or interpret Section 7 (a) of the Act?

Mr. Hanson: It certainly does not modify or amend Section 7 (a) of the Act, and I do not think that it intends any particular interpretation of that. It is merely an expression of principle, a principle which is expressed in this Code to keep racketeering out of our business.

Deputy Rogers: It attempts to interpret Section 7 (a)

Mr. Hanson: It is no more an intention to interpret Section 7 (a) in this Code, or Section 10 of this Code, or 7 (a) of the Act, than efforts which have been made by others to hold that that speaks for itself, and then go out and interpret it subsequently to workers by saying these workers can act only through their

Deputy Rogers: You can not stop such pronouncement by trade union leaders, although they may be very strong or loud pronouncements.

Mr. Hanson: I realize that the NIA has not stop them, notwithstanding the many speeches the Administration has made on the subject from time to time.

Deputy Rogers: They have freedom of speech, do they not?

Mr. Hanson: Yes, they do have freedom of speech.

Deputy Rogers: I just want to be clear about the intention of Clause 14. It is not to amend Section 7. You will agree, I am sure, that it is impossible for an executive order approved by the President to amend an Act of Congress, and it is impossible also to interpret an Act of Congress in an executive order. If you want an amendment you can go back to Congress and ask for an amendment and if you want an interpretation, only the Supreme Court can give you an interpretation.

Mr. Hanson: But, that is neither an amendment or interpretation -- it is an administrative regulation and the courts have held in untold numbers of cases, sir, that the Department in charge of the administration of the Act can so regulate that Act, as long as it does not exceed the law.

Now then if Section 14 succeeds in law

to have some lawyer connected with the F.B.I. or somebody else point it out.

Deputy Rogers: I imagine this question will be exhaustively discussed between you and the Legal Division of the NIA. I simply asked my questions in order to be clear and to have the record clear on what the intention of Act 14 was.

Mr. Hanson: It is an administrative provision purely and simply, and not any attempt to modify or interpret.

Deputy Rogers: If that is the case, would you not say it is unnecessary?

Mr. Hanson: Not from the examples I have stated to you, and I can cite many more of them, except I wanted to conserve the time.

Deputy Rogers: Do you think if Article 14 were in the Code it would make the representatives of labor stick to the correct interpretation of the National Industrial Recovery Act?

Mr. Hanson: Well, no, it would not.

Deputy Rogers: Would it have the effect of making the representatives of Labor more intelligent and more united?

Mr. Hanson: Well, there are two questions. One of them, I will not attempt to answer the question as to whether or not they could be made to stick to a correct interpretation of the Act. The other is, from my contact with

these gentlemen, I have found some of them very, very intelligent, and in addition to that quite persistent. (Laughter.)

Deputy Rogers: Do you think your paragraph 14 might make them less persistent? (Laughter.)

Mr. Hanson: No, sir, I do not think it would make them less persistent.

I think all paragraph 14 does here is to protect the employees who are not members of these organizations who are now being sought to join these organizations on representations which by many pronouncements of the WRA chief are not entirely in accord with the act, or with the Administration's purposes here, and it just probably will help to prevent a little of this fee collecting that they need for their pay sheet, and reassure employees that the National Recovery Administration is here to look after every individual without having some special group to represent it.

Deputy Rogers: Since the National Recovery Administration has made a pronouncement, you want to make a pronouncement too?

Mr. Hanson: Yes, sir. That also comes under the right of free speech. (Laughter.)

Deputy Rogers: Both those pronouncements of the Recovery Administration were made for publication in the newspapers, and you can make a pronouncement in that way too.

Mr. Hanson: Undoubtedly, sir, this will be made in

the newspapers and I think it will be insisted upon by the newspapers to be kept in. Of course, we can not insist that anything can be kept in if you want to tell us it can not go in, but this is one provision which the newspaper publishers of this country unanimously want in this Code just to save themselves from difficulties such as illustrated, where a minority of employees want to use the employers to coerce the majority.

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Deputy Rogers: I do not think it would have the effect of saving them from any difficulties. Let us proceed with Section 15.

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Mr. Hanson: I have discussed Section 15, which is the Administrative Authority provision, earlier. I merely want to call attention, however, to the fact that at there is no provision for any immediate assessment, neither is there any provision that failure to pay such an assessment will constitute a violation of the code, and that the only authority to make assessments is for necessary expenditures.

Those who have submitted this code have done so in the sincere effort to assist the National Recovery Administration in its program and they have not submitted it for the purpose of enlarging their organizations or increasing their bank rolls.

There is no intention on the part of the organizations which have submitted this code to start out immediately upon its approval, by reason of any authority contained herein, to collect additional fees or dues from all signatories. In fact it is the hope of these organizations that adherence to the code will be so universal and the workings of its provisions so satisfactory that no assessments will have to be made; that the work of administration can be accomplished simply and directly through existing

channels, which, for the purpose of this code, will function as the authority.

Mr. Administrator, this completes my statement with the inclusion of the two amendments which I have submitted to you, perfecting Sections 13 and 15, I formally ask of the National Recovery Administration approval of the code as submitted in behalf of daily newspapers of the United States through those organizations empowered to speak for them.

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Deputy Rogers: You propose no further additions or amendments to the Code?

Mr. Hanson: We do not at this time. I think one or two other would propose in case the strike is over.

Deputy Rogers: It happens that originally a code was submitted to the National Recovery Administration by a provision relating to fair trade practices or unfair trade practices.

The American Newspaper Publishers Association do not desire to make any proposals in respect to voluntary trade practices.

Mr. Hanson: Not at this time, sir. The code has been disposed of, as we think by the time we get to such a way that they stand out clearly in the code. Deputy Rogers: Would one of the other codes be like to mention Mr. Hanson?

Mr. Keener: You object to having a code of trade practices in for the added strength they would give?

Mr. Hanson: I can not see any added strength at this time.

We would like to have, however, the particular suggestion that you want to propose, before I would commit myself.

Mr. Keener: The retail code, for example, has a provision against inaccurate advertising and unfair advertising.

Now, there are laws against that, I take it.

Mr. Hanson: There are perfectly adequate laws today on improper advertising, unfair advertising, unauthorized advertising, and undisclosed advertising, and I see no reason to put these provisions in this Code.

For instance, under the postal act all newspapers in second class mail under those rules, the newspapers have to mark as advertising all printed matter which appears within their columns, the display advertising speaking for itself.

Under the securities act just passed at the last session of Congress the liability of the newspaper remains unchanged with respect to advertising practices, with the exception of this minor difference, that if any reading notice which is an advertising notice appears in the newspaper it has not only to bear the mark of advertising, but to give the name of the person who pays for it, and the amount paid for it.

Purdon
file

OK, as far as that is concerned, I think the present situation is better, and there is no need of plotting up this case on that condition.

re base of The Oct. 13 Trade does not indicate any
how it. The re insertion of a portion of this hint to
you is to allow to recover to with it in any way you would
not want to risk the gaining of the time which they think
is to be used.

I am not sure, Sir, if that is all I can
 do for this like that, and if the details made clear
 authority cannot control it and business to run the channels
 set out, do not think we could be put in the position of
 making them, and that is exactly the situation we
 are in now. It is a matter of our own with us to run the
 way of life.

17. RECENT: Has there not been considerable work
 18. of this could be classified as unfair trade
 19. agreements in the matter of currencies and vis-à-vis
 20. for circulation that have not as there been fully covered by
 21. existing laws?

% H-mech: I do not think so. There may be in unusual instances but, let us explain one thing here & it will probably clear up everybody's mind.

The association for which I work and the location of

the associated organizations some years ago was out to an
expense of very nearly a quarter of a million dollars to
defend a most unusual proceeding brought against them and
others by the Federal Trade Commission.

ever since the inception of the American Newspaper Publishers' Association in 1887 it has had certain fundamental ideas on advertising practices. One of those is that there should be no rebutting in advertising, and another is that newspapers should clean up their columns and get rid of any false or false advertising.

The advertising which appears in papers today is very much different from what it was many years ago. In fact, in many of these newspapers one of the chief duties of the advertising department is to check on every advertisement offered to them to be sure that that advertiser has a substantial spine, both for honesty and credit in its community.

There are, however, a number of advertisers in the country who for years have felt that the system of newspapers buying commissions to advertising agencies for producing advertising was wrong. These advertisers have tried indefinitely to get a rebate from newspapers on advertising in one way or another.

Three ways were pretty well established for that provision; one of them was to let the advertising agency to split the commission with them; another way was to set up what

is known as a house & day, an individual do: street in
the business which would like to be an advertising agency,
offer the advertiser, and el in th. co les go, and the
third was just by the force of large language, or large
e: so, (a) found th: the commission be sold direct.

The advertisers of the country of their own free will and accord, not unlawfully but almost universally, violate these three methods to get rebates. The advertisers went to the Federal Trade Commission and complained that we were restricting business, that we were practicing anti-trusts and so on.

The matter was brought to the Federal Trade Commission for some five years. The Chairman finally made his report that the three practices with the complainants concerned of (1) the refusal of the ad buyers to try the competitors; direct to the advertiser, the commissions in the advertiser's agency; and to do business with advertising agencies known to submit commissions to their principals; and the Commission by a four to one vote, dismissed that complaint.

is the source of the proceedings down there these fundamental facts were brought out, that advertising is a local business. That principle has been enounced on three occasions by the United States Supreme Court in the last ten years, if I recall it correctly. In one of the cases, that of Blumenson vs. the Curtis Publishing Company, the

fight that can be brought in on either side.

We are trying to confine this thing to the fundamental facts of the President's Reemployment program and we know from past experience that unless there is a revolution of the Supreme Court of the United States those things which have been declared essentially local cannot be covered in a Code such as this, where there are 1,000 of the 7,000 ally newspapers do not sit without the boards of their States and are not included in interstate commerce in any sense of the word.

Mr. Ascher: Our board is only if it that since --

Mr. Hanson: Pardon me for interrupting you. We want no meaningless exceptions in this Code. We want no exceptions in laws which are going to precipitate violence and possibly disastrous controversies, and with the number of organizations which have filed this Code and supported it, and the number of papers which you have, I think you will have little worry about any unfair practices.

Mr. Keiser: I have always thought that since the question of freedom was very much stressed here, you would have great desire to use this freedom in such a way through this Code as to help you in dealing with the unfair practices in your industry.

Mr. Hanson: As far as those practices are concerned,

-- we think we know how to take care of them without putting it up to the Code and precipitating something --

Deputy Rogers: It does not necessarily precipitate anything if you put unfair trade practices in the Code. Those who oppose the Code can agree among themselves that they will not do certain things.

Mr. Hanson: Yes, and then you have the question of power to control the agreement on a local matter. That is just the point that I have made; that I do not think any court would sustain the power. I do not want to get into that legal argument.

Deputy Rogers: It is possible to do it in such a way that it would never get into a court.

Bureau file.

Bureau
file.
Bureau

Mr. Hanson: That has been done, and by resolution and time and time again by these associations in their meetings, which resolutions made it subject to attack and Federal Fraud Commission. Having spent upwards of a quarter of a million dollars on that thing once before, you can necessarily understand or obviously understand why this case has not got anything in it that would precipitate such another situation.

Deputy Rogers: Mr. McCarran wishes to ask you one or two questions.

Mr. McCarran: Mr. Hanson stated to the newspaper publishers wanted no special privileges. Is that correct?

Mr. Hanson: Absolutely.

Mr. McCarran: Is the New York Daily News a member of the Association?

Mr. Hanson: It is or it was the last time I saw.

Mr. McCarran: Did they subscribe to the Code?

Mr. Hanson: I do not know whether they subscribed to the Code we have submitted. We know that they subscribed to the President's Reemployment Agreement, and then the next day came in and out to be exempted from certain provisions in it.

Deputy Rogers: Were they exempted?

Mr. Hanson: I think they were, sir. I only know from hearsay.

Deputy Rogers: They had to appeal to you to get exemption?

Mr. Hanson: They did not appeal to us while a member of our

Association. It came through another association, as I understand it.

Mr. ROBERTSON. How about the charge of the New York Daily News that newspapers are getting from the taxpayers in connection with mail \$100,000,000 a year?

Mr. HANSON. I rather thought somebody would raise the question of postal rates, and I am glad to have it raised. I can now answer you, with the permission of the Deputy Administrator.

Deputy ROGERS. We will take special notes, however, of the fact that the question has been raised by our industrial adviser.

Mr. HANSON. If it had not been raised by the Industrial Adviser, I would be very much surprised if it was not raised by someone else, because in my entire experience in Washington that seems to be one of the many things the people want to put up against the press.

The postal service, with the exception of the first class mail, is a competitive business service. On first class mail the Government has a monopoly, and it is a penal offense for anybody else to compete with the Government in the distribution of sealed letters. On second class letters, newspapers and periodicals, or third class mail, which includes other printed matter, books and certain classes of merchandise which do not fall within the fourth class mail, and in fourth class mail, which is merchandise, the Department is in competition with everybody.

When in 1942 a joint committee of Congress traveled all over the country, holding hearings on the question of postal rates. I, as the attorney for the American Newspaper Publishers Association, attended every one of those hearings and presented testimony at every one of them.

In August, 1925, a hearing was held in Chicago, at which Mr. A. A. Ansonberg, who testified he was director of circulation of the Chicago publications, which publications at that time were the Chicago Daily and Sunday Tribune, the New York Daily and Sunday News and Liberty Magazine—he appeared and he told the committee in Chicago that it cost the Chicago Tribune approximately 4¢ more per year to distribute its publications by mail than the average cost of distribution by other means.

Mr. Ansonberg further testified, and I have the volume here in which his testimony appears, that during the period of time when the Tribune's circulation had increased 300,000, the mail circulation of the Chicago Tribune had decreased by 35,000, and that decrease was brought about by the removal of Chicago Tribune circulation from the mail to any medium which would perform the service at less cost than the cost of the Department.

Mr. Ansonberg, I think, is still connected with the same company. I know he is connected with the New York Daily News.

The testimony appears on pages 513 to 524 of the record of those hearings, taken by that committee.

One other point, a great portion of the distribution of

under the new paper, the New York Daily News, the circulation was reduced to 1,000,000.

Deputy ROGERS. I think my further question is, what is the effect of the National Recovery Act on the newspaper industry?

Mr. HANSON. I would like to add one more thing. I am in line of the present Postmaster General, and I have stated that every effort must be made to keep the postal service as efficient as possible, and to the end of that.

Deputy Rogers. Any other questions?

(No response.)

R. Rogers. Questions.

Deputy Rogers. Mr. Howard A. Stodghill.

S. A. T. OF HOME, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Chairman, Newspaper Boy Welfare Committee of the International Circulation Managers' Association.

Mr. Stodghill. I am Howard A. Stodghill, Chairman of the Newspaper Boy Welfare Committee of the International Circulation Managers' Association. I am business and circulation manager of the Louisville, Kentucky, Courier-Journal and Times. The International Circulation Managers' Association has a membership of approximately 800. Its members direct the circulation departments of daily newspapers. It was organized in 1888. I have been a member for 17 years and am past president of the association.

I have headed the Newspaper Boy Welfare Committee since 1930. The purpose of this committee is to carry out the provisions of a resolution adopted in 1930 which is as follows:

"WHEREAS, By the International Circulation Managers' Association, in convention assembled, that its members will henceforth endeavor in every reasonable way to cooperate with the educational authorities and with the boys' parents with the object in view of maintaining and improving the

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boys' scholastic standing, their health and their well-being.

"That the members of this association will ever only endeavor to maintain such standards that parents can be assured that their sons' connection with the circulation department will not be detrimental, either by neglect or abuse, but, on the contrary, will be helpful.

"AND WHEREAS, It is the policy of the Association that no boy will be permitted to engage in newspaper work when investigation discloses that such boy's participation is detrimental to his best interests."

This resolution is enforced by State groups, every state in the union having a vice chairman whose business it is to look after the welfare of the boys.

If the provisions of this resolution are lived up to, the two sections of the A. N. P. A. Code relating to newspaper boys can be accepted by the National Industrial Recovery Administration without adversely affecting the interest of a single individual. The 800 members of the International Circulation Managers' Association are pledged to carry out the provisions of this resolution. The purposes of the National Recovery Act in my opinion will be served by the maintenance of the boy delivery system. I submit the following in substantiation:

There are 688,287 newspaper boys in America classified as follows:

#2

2000

414,503 carriers of newspapers, that is, boys who deliver newspapers to a list of regular subscribers or 70 per cent of the total engaged in the work. These boys average 58 minutes per day at their task and earn \$1,206,250.95 weekly, or an average of \$2.51 each per week. There are 173,784 engaged in making individual sales of newspapers to the public or 30 percent of the total boys engaged in newspaper work. The average time per day for these street sales boys is two hours and fourteen minutes, and they earn \$744,401.48 weekly, or an average of \$4.28 each per week.

These amounts do not represent the entire earnings made by the boys. Not only do they earn extra money for each subscription they procure, but educational tours are offered. I have no figures to offer, but hundreds of boys visited the Century of Progress this year at Chicago at the expense of the publishers.

Therefore, not including the extras, these 688,287 boys who deliver and sell newspapers earn annually in excess of \$100 million dollars. The present plan spreads this \$100 million dollars among the greatest number of families possible.

Restriction placed on the present system would make necessary a consolidation of routes and reduce the number of families benefiting from this revenue. The use of boys in the distribution and sale of newspapers cannot be regarded as child labor.

Old figures are too inadequate to tell the great human interest story of the newspaper boy and his friend, teacher, counsellor and defender, the circulation man. The true and inside story of this vast army of boys who are devoting a small portion of their spare time each day to healthful outdoor work learning the fundamentals of boys' duties of citizenship and responsibilities of service is only known to those who direct their activities, but it is a story well known to every circulation manager who is in constant touch with these men in the making. The circulation manager knows that so far as his individual newspaper is concerned, he has the best boys in his town. He has seen boys in his organization grow to become men; he has seen them succeed in the various fields which they have selected; he has known, and they have known, the training which they procured in selling and distributing newspapers has contributed directly to their success. He knows that boys remain in school and pay their own way with the money earned in selling and delivering newspapers who would have dropped out of school in the lower grades had it not been for their earnings from newspaper work. The statement has been made that the work of the newspaper carrier is routine; that it is not educational. Perhaps there was a time when this charge was true, but that is not the situation today. There was a time when men

men controlled the distribution of newspapers. In those days these men made practically all the money. The boys were paid a mere pittance for delivering the papers. That was all that was required of the boy. He threw so many papers at so many houses and that was all there was to it. And this was literally true. Since the boy did not collect he did not even know the name of the subscriber he served. Contrast that with the methods used today:

The carrier boy today is a little merchant. He buys his papers at the wholesale rate and disposes of them at the retail rate. His profit depends on the difference between what he pays for his papers and that which he collects. He is a merchant, salesman, deliveryman, credit man and collector. All the fundamentals of business are inculcated in the ordinary pursuance of his newspaper work. Surely the boy who learns business fundamentals, who meets human nature, who learns the value of business places on dependability, honesty, courtesy and promptness, is better equipped to make his way in the world than is the youngster who receives his education wholly within the four walls of the school room.

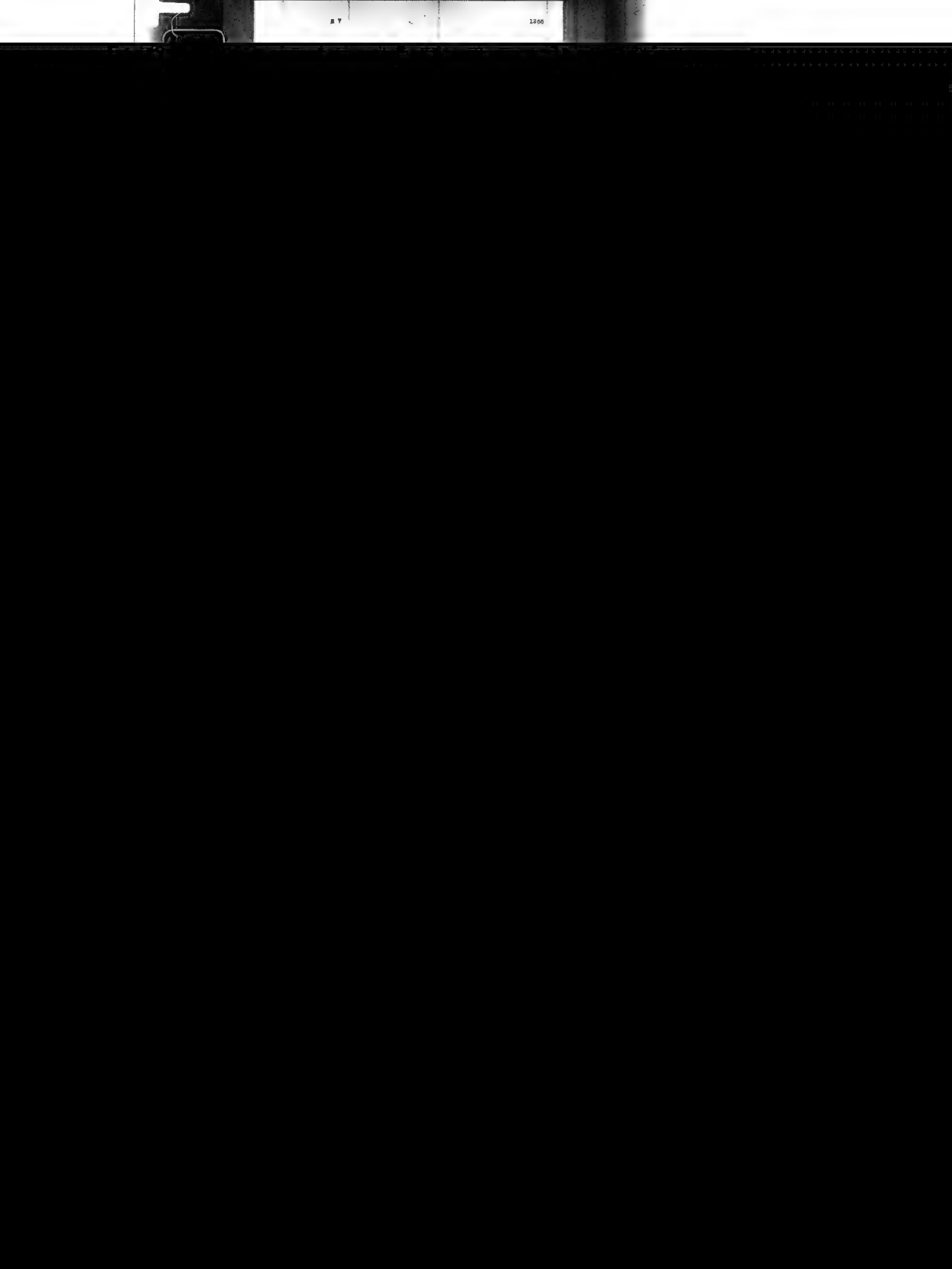
The work the boys are doing for newspapers might well be added to the curricula of the schools. Certainly the correlation of a practical business training and academic work is a desirable thing.

Most newspapers today require boys to furnish a recommendation from their schools and to furnish a school report showing satisfactory scholastic grades and satisfactory citizenship traits such as regularity, punctuality, self-courtesy and conduct before giving them a route of delivery. The circulation department of newspapers are cooperating with schools as training agencies. One of the subjects taught newspaper boys is salesmanship. Boys are required to learn the names and feature content of the newspapers that they may intelligently conduct a sales talk on the merits of their newspaper. Written examinations are held to insure that every boy is competent to represent his paper. Thus, he learns the first fundamental law in salesmanship, to wit, to know his product.

Also, some newspapers make it possible for their boys to secure musical education without cost. Constant musical instructors are provided, as well as the instruments and quarters to practice.

I have often just a few of the instances where publishers assist their boys to recognize at an early age their civic obligations and thus become better boys and eventually better citizens.

In a mid-western city where more than 1300 boys are engaged in the sales of newspapers, such awards are given to those who make satisfactory progress in their school work,



have learned how to keep their spending desires proportioned to their earning powers, and have learned to value the good opinion of working youth, rather than the esteem of idlers and criminals. Indeed, I am sure that many of these boys could have been kept from criminal careers if they had been employed as newspaper carriers or vendors under good sales managers and route supervisors such as many of you enjoy.

"Experience as a newspaper boy — whether as a carrier or vendor — provides one of the finest opportunities of which I know for learning how to deal effectively and pleasantly with people. I know of no kind of work for boys under sixteen years of age which can provide a greater stimulus for learning how to size up people and how to adapt one's speech and actions to the expected standards of other people than that of a newspaper vendor.

"Your circulation men and the supervisors of your staff can be more effective in taking good citizens out of the million boys in your charge than all the ministers and all the teachers in America combined."

I offer for the record as an exhibit a copy of Mr. Barnhardt's speech.

Deputy Rogers: We will attach it to the record as an exhibit.

Mr. Stodghill: In the explanation of the effort of the publisher and the circulation manager to carry out the

spirit of the International Circulation Managers Association resolution by actual deed and practice it will be seen that this resolution is not a prophetic policy to be tried and then forgotten.

Newspapers have accepted that fact that the newspaper boy is accountable to the conscientious parent who has the greatest interest in the welfare of the child.

The use of the newspaper boy is not a perfect one and every boy is not going into business and politics. There is no claim that the newspaper boy is trained and perfected by his newspaper delivery and sales work.

The publishers follow up immediately any and all complaints and the welfare workers and self-appointed guardians of the youth of the nation can not very accurately but they alone check and rectify any abuses that might develop.

The Newspaper Boy Welfare Committee has a plan in which it executes to see that every possible effort is made to correct and improve anything found to be wrong.

In conclusion, newspaper boys are working under ideal conditions, highly beneficial to their development, their employment in no way interferes with the employment of adults, there is a part time job requiring less than an hour a half each day with an average weekly income of \$1.00 to \$2.00 profitably undertake the work; the boys are

couraged and assisted to remain in school; the newspaper has done and is doing more toward developing boys for the future than any other single agency.

Mr. Kelly:

STATEMENT OF HARVEY J. KELLY

CHAIRMAN OF THE SPECIAL STANDING COMMITTEE

OF THE AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION

Mr. Kelly: Mr. Administrator, I will introduce our five exhibits.

We are introducing these exhibits now to the

Deputy Rogers: These exhibits are international agreements with the International Printing Pressmen & Assistants Union; the book of by-laws of the International Typographical Union in effect January 1, 1933; the constitution and general laws of the International Stereotypers & Electrotypers Union of North America, dated 1933; the constitution and general laws of the International Photo-engravers Union of North America in effect December 1, 1931; and constitution, by-laws, and general laws of Mailers' Trade District Union of North America, in effect January 1, 1927.

(The exhibits referred to will be filed with the record.)

Mr. Kelly: Mr. Deputy Administrator, my name is Harvey J. Kelly. I am chairman of the special standing committee of the American Newspaper Publishers Association.

The function of the special standing committee is to deal

with industrial relation problems of the newspaper publishing industry in so far as they may arise between daily newspapers who are members of the A. N. P. A. and Printing Trade Unions, the members of which are employed by such newspapers.

While several other associations of daily newspapers have joined with the A. N. P. A. in the promulgation of this Code of Fair Competition, the testimony I shall give is drawn from my experience solely with members of the A. N. P. A. during the past seven and one-half years and experience previous therein with the regional association of newspapers in the Pacific Northwest.

I shall address myself primarily to sections 6, 7, 12, and 14 of the daily newspaper Code and point out, so far as I am able, the necessity for these sections as drafted in the newspaper Code in order that the production requirements which are peculiar to daily newspapers may be met with a minimum of administrative difficulties.

Before taking up these sections, however, I will make a few general observations upon industrial relations in the daily newspaper publishing industry so they may be influenced by the A. N. P. A. and certain union laws and policies which are directed towards themselves to harmonious cooperation which we believe necessary to the success of the A. N. P. A. in any industry.

Members of the American Newspaper Publishers Association employ approximately 75 per cent of all union labor employed

in the newspaper branches.

I base this statement upon official International Typographical Union statistics, see page 43, "The Bulletin" of the International Typographical Union for February, 1931. Other international unions of the printing trades do not publish similar statistics, but to our best knowledge and belief a higher percentage of employment of union members in the newspaper branch would be shown for Newspaper Letter Pressmen, members of the International Printing Pressmen and Assistants' Union; stereotypers, members of the International Stereotypers and Electrotypers Union, newspaper photo engravers, members of the International Photo Engravers Union, and members of the Mailers' Trade District of N. A. a subordinate body chartered by the International Typographical Union.

A number of American Newspaper Publishers Association members operate newspapers without recognition of any union. Other members operate one or more mechanical departments without recognition of the union concerned.

There is no inclination on the part of American Newspaper Publishers Association members to interfere with the right of employers to organize and bargain collectively through representatives of their own choosing, but the American Newspaper Publishers Association believes that mutual trust between members of the A. N. P. A. and the respective international unions of the printing trades may best be promoted if

representatives of said unions were circulating statements to employees in unorganized departments of newspapers that such employees have no rights under the A. N. P. A. unless they join the union.

Such statements are in harmony with public declarations of the A. N. P. A. Chief Administrator, General Johnson. He has said:

"It has been repeatedly said that it is the function of the A. N. P. A. to organize either industry or labor. To obtain benefits of this act it is not necessary for workers to join either company unions or any particular labor union."

We ask that this statement of the Chief Administrator of the A. N. P. A. be kept in mind when we discuss section 14 of the newspaper Code.

In his Labor Day address to the Illinois State Federation of Labor, General Johnson stated that an employer may not enter the law sign a closed shop agreement with any union which does not represent one hundred per cent of his employees because that would be coercing those who have not joined.

We believe the A. N. P. A. purposes that employees in unorganized departments should be permitted to exercise their own discretion as to organizations, free from coercion and misleading information either by union representatives or by employers.

Mutual cooperation and distrust are incompatible.

with interpretations of the N. R. A. which are at variance with those of the Chief Administrator.

Much has been heard in recent weeks about what the employer should do in the way of patriotic observance of the N. R. A. in order that it shall have every possible opportunity of success.

To maintain that a similar obligation rests upon every international union to subordinate forthwith all union laws and policies which obstruct the full and free operation of the N. R. A.

These union laws, for the most part, were caused in contemplation of normal business conditions and the operation of a six day week.

They are, in many instances, costly and restrictive and permit, by manipulation of contract phraseology, the exaction of punitive rates which are not justified.

Such laws are obsolete in the current emergency. They have no more claim to exemption from the operation of the N. R. A. than would have ex parte rules of the Publishers Association.

Mutual cooperation and trust between members of A. R. P. A. and certain of the international unions of the printing trades can not replace distrust on the part of the publishers so long as those unions continue to place union law, rules and regulations above the necessities of the present

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emergency and overriding of the N. R. A. and in their refusal to submit to arbitration all matters which affect wages, hours, working conditions, and the operation of the department.

Those international unions which refuse to submit to arbitration all disputes arising under all these heads are:

The International Typographical Union, the International Stereotypers and Electrotypers Union and the International Photo Engravers Union.

It does not include the International Printing Pressmen and Assistants Union because between the A. R. P. A. and the International Printing Pressmen and Assistants Union, and a great union of the printing trades identified with the newspaper publishing industry, exists what is known as the International Arbitration Agreement.

It is now in its third five year term, having been renewed first in 1922.

Under it, an dispute affecting wages, hours, and conditions and administration of the department is submitted to arbitration boards.

A copy of said International Arbitration Agreement accompanies this brief as Exhibit A.

Prior to May 1, 1922, arbitration agreements existed with all international unions of the printing trades identified with the newspaper publishing industry.

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They had been renewed periodically since the first one signed in 1901, with the Typographical Union.

These agreements exempted from arbitration all laws of the respective international unions. This exemption was systematically abused.

Subordinate local unions, unable to secure in negotiations with publishers the local union laws they desired, would send their delegates to the convention of the international union where, by ex parte legislation, the publishers having neither voice nor vote, it would become an international union law, mandatory to every subordinate local union in the country regardless of its ability to do so.

True, it did not affect existing contracts, but as contracts expired, and, in order to renew, the publishers were called on to accept these ex parte union laws.

Thus, over a term of some twenty years, despite the objections of publishers, there was forced into being an ever-increasing list of costly and restrictive union laws, together with an ever-decreasing list of matters which a publisher might submit to an impartial arbitrator. The result was that in 1922 the A. R. P. A. declined to permit one-sided arbitration and declined to renew any international arbitration agreement which exempted from arbitration any dispute affecting wages, hours, working conditions

of the matter, the extent

here four months, the arbitrator will be
with the National Board of Arbitration, the
international board functions by agreement, the
have full force and effect.

There is no need to state on the part
publishers to arbitrate union laws, the
union matters.

This is demonstrated by more than a decade of experience
with the N. A. I. A. - International Arbitration, the
existence of the International Arbitration Board, the
which has existed for years of industrial harmony and peace in
any period.

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The publishers insist that in any concept of fair ar-
bitration, neither party may make ex parte rules affecting
the interests of the other party. The N. A. I. A. respectfully
petitioned that the NRA prescribe this rule for the arbitration
of disputes arising between any union and any newspaper
outlet under the Code where the local parties agree to
arbitrate. It is expressed in detail in the Code of procedure
to be found in Exhibit (A). The terms thereof are the result
of more than 30 years' experience and the best judgment of
the best kind which could be brought to bear upon the subject,
from the ranks of the union and the ranks of the publishers.

Believe this to be reasonable, the N. A. I. A.

It is possible to reduce hours of work, to
over obsolete, inflexible union laws, rules and regulations,
and so on, under the NRA, these production requirements which
are peculiar to individual newspapers. These requirements
vary as between newspapers in the same city, between cities,
and between regions.

There must be a reasonable latitude in the amount of
hours if newspaper publishers are to be able to function
under NRA and remain in business.

The Daily Newspaper Code, Section 5, sets up that reason-
able latitude in the following language:

"shall not employ any factory or mechanical worker or
artisan more than 40 hours a week, but with the right to

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work a maximum week of 44 hours for any six weeks - then
any six months' period during the period of this agreement,
but not to employ any worker more than 44 hours in any
one day."

Production requirements of the newspaper publishing in-
dustry come themselves normally into two peaks and two
valleys a year. The lowest is usually a low point in business
volume. From that point volume increases under some condi-
tion to a peak reached shortly prior to or during the holiday
period. From this peak volume declines to a low usually
reached in February from where the climb in volume begins
and continues upward until the May peak is reached, after
which it declines again towards the lowest low.

Season of actual work on newspapers is an variable
one and former important factors in the industry can forecast
the exact arrival of the rising tide. The industry
should be permitted to interfere with the flexibility of a
schedule of hours necessary for the production of daily
newspapers. Newspaper production requirements are irre-
sistible, in a great majority of cases, a week
of 44 to 48 hours, according to location and the
requirements. The publishers of daily newspapers, in
order to give our own of cooperative and lending support to the
country not during the period of the current emergency
are faced to the substantial reduction in hours per week

To believe it is manifestly unjust to subject them to other punitive rates.

The Daily Newspaper Code, Section 7, reads:-

"shall not pay any employee of the classes mentioned in paragraph (5) except apprentices as covered in paragraph (6) less than 40 cents an hour, and if his hours of work are reduced, in accordance with this Code, to pay either an hourly rate of pay not less than the hourly rate which prevailed in the same community on July 15, 1929, and in no event less than 30 cents per hour, or a weekly wage not less than that which he received on July 1, 1933, for the same work. It is agreed that this paragraph establishes a minimum rate of pay regardless of whether the employee is compensated on the basis of a time rate or on a piece-work performance."

It is well in reading Section 7 to bear in mind the provisions of Section 8 which reads:

"The foregoing requirements as to hours and wages shall be observed except in the case of a contract in effect on or before July 1, 1933, and still remaining in full force and effect and which cannot be revised except by mutual consent."

That is an important bearing upon Section 7.

It will be observed that these two sections considered

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together fully protect the minimum rates of skilled workers employed by newspapers. Under Section 7, if there be no contract in full force and effect which provides otherwise, a publisher may not pay less than the hourly rate which prevailed in the same community on July 15, 1929, or, if he elects, not less than the weekly wage received by the individual on July 1, 1933, for the same work. We agree that this is fair and reasonable. Please bear in mind that newspaper wage rates to mechanical department employees, despite such slight reductions as have taken place, remain above 1929 levels while advertising volume in 1934 dropped below the levels of 1929 -- in fact below the levels of 1914.

Deputy Rogers: Mr. Kelly, later I am going to raise some questions with respect to the language of those sections not going into any question of principle or what you wish to cover, but the question of whether you actually do cover it by that language, but I think I can raise those questions better with Mr. Hanson.

Mr. Kelly: Very well.

To conserve the time of those engaged in this hearing we will not introduce general statistics. In available authoritative data, figures for newspapers and periodicals are trustworthy. The general statistics we could introduce would but duplicate charts 2 to 5 inclusive and relate

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explanatory matter so well presented by representatives of the Periodical Publishers on Thursday. We will ask therefore that the Administrator construe the above described data as applying with equal force to the newspaper publishing industry.

Supplementing general data, however, and for the purpose of throwing as much light as possible upon the question of newspaper wages and hours in 1929 and 1934, we averaged every newspaper typographical wage rate in contracts of record in the A.N.P.A. files and in the annual minimum wage report of the International Typographical Union. The averages for all typographical scales and hours of record and the averages of the A.N.P.A. scale only are as follows.

You will note that the average hours per week in 1929 were in excess of 46 and in 1934 have been reduced about a half a hour per week on the average for the entire country.

You will note that the wage scales have been reduced approximately 5 cents to 8 cents according to day or night rates.

Deputy Rogers: Are these figures based on reports from the newspapers who are members of the Association?

Mr. Kelly: These are all of the contracts of record in either the files of the American Newspaper Publishers' Association or the minimum wage pamphlet issued annually by

the International Typographical Union.

	Average hours		Average Rate		Average wage	
	per week of		per hour		per week of	
	<u>six days</u>		<u> </u>		<u>six days</u>	
	<u>July 1932</u>					
	Day	Night	Day	Night	Day	Night
All scales	45.6	45.2	1.029	1.003	143.70	141.20
W.P.A. only	45.6	45.5	1.083	1.053	146.34	144.20
	<u>July 1933</u>					
All scales	45.6	45.6	1.077	.953	140.25	134.45
A.W.P.A. only	45.4	45.9	1.009	.983	143.18	141.12

Since January 1, 1933, a large majority of International Typographical Union Newspaper compositors have been forced off one day per week by the enforced 5-day law of the International Typographical Union. The average weekly income to the employed individual as of July, 1933, would, therefore be 5/6 of the above weekly figures. This union measure was for the support largely of unemployed commercial shop compositors who greatly outnumber unemployed newspaper compositors as we shall presently prove.

Newspaper compositors are forced off by the International Typographical Union under Section 8 of Article 3, general laws of the International Typographical Union reading:-

"A foreman shall not designate any particular day, nor how many days, a member shall work in anyone week

Provided, The member must engage a substitute when absent. Any member covering a situation is entitled to and may employ in his stead whenever so directed any competent member of the International Typographical Union without consultation or approval of the foreman. Provided, local unions may adopt laws requiring the employment of substitutes in the order of their priority standing; or for specified periods in severe unemployment emergencies, with consent of the Executive Council, may establish provisions for equitable distribution of subbing among eligible substitutes."

Under this law a member of the composing room force absents himself as fancy dictates. The man he puts on may be able barely to "get by," but under the union construction of "competency," this qualifies him to take the place of the regular without the consent of the foreman. Outside of printing trades unions there is no union to our knowledge which has such a rule as this.

The International Typographical Union adopted as of January 1, 1933, its five-day-week law for compositors in newspaper offices only. It declared that regardless of six-day-week contracts with newspapers, it had the right under the above union law to require its members to lay off, that the number and not the foreman should select the substitute that if the local union so elected it might rotate the work shops made available among the unemployed members of

the union. The result, as has been stated, is that commercial shop compositors as well as newspaper compositors. The division normally is approximately 50-50. Unemployment of commercial shop compositors is much greater than that of newspaper compositors. Consequently commercial shop compositors flocked to newspaper offices in which they are not as efficient as newspaper compositors.

A newspaper composing room foreman as a busy man, it takes time to discover that new employees are not competent. The result is at the expense of the publisher. Under the rotation plan which the union enforced, decreased composing room efficiency and increased cost to newspapers has resulted.

The normal and present time distribution of members of the International Typographical Union between newspaper compositors and commercial shop compositors is shown by the statistical bureau of the International Typographical Union reports in its surveys for the various years as follows:

Year of Survey	Newspaper Members	Job and Commercial Members
1924	28,727	36,119
1930	33,027	2,751
1932	35,736	24,546
1933	34,237	11,361

You will note, in 1924, which was the first year in which a survey of this sort was made, that the division was approximately fifty-fifty. To be accurate, it was 54-46, I think, but you will notice that commercial was a survey of 1930 and up to 1933, there is a very rapid increase in the number of newspaper composers or men designated as newspaper composers.

It will be noted that in the period of 2 years, covered by the above surveys, newspaper composers are alleged to have increased 5,508 while commercial shop composers are alleged to have increased only 1,482. This does not harmonize with the acceleration in mergers and consolidations of daily newspapers, more than 350 of which have occurred in the last three years.

The showing by International Typographical Union statistics means simply that commercial shop composers have switched over to newspaper offices through which they rotated with less efficiency than regular newspaper composers. The result is abnormally increased costs in a time when newspaper advertising volume fell below 1914, while advertising rates rose and close to 100 per cent over 1914 rates.

Notwithstanding this influx of abnormal numbers of less efficient composers, Union representatives insist, under laws of the International Typographical Union that commercial executives, needed more than ever in their advisory

capacity, must lay off on day in and day out as journeymen, or else be fined one day's pay. The International Typographical Union unemployment relief measures have not brought about the contemplated distribution of Union members. They remain concentrated in high wage areas. This situation was rectified by the provisions of the International Typographical Union at the 1937 convention of that organization when in debate he made the following declaration:

"But one of the things to which nobody is attracted is that by creating situations in small jurisdictions where the wage scales are low, you are not only lowering the standard in Chicago and New York, as long as they have not-of-work benefits in those cities. But it is not that you are confronted with, because of the high wages of those unions there are smaller unions which are in little unemployment, and the members will not go to those jurisdictions."

(See page 84, supplement No. 1-33, Typographical Journal) On page 85 of the same supplement it is stated that of 11,018 unemployed members 8,182 are concentrated in nine States and Canada, the remainder being scattered throughout the remaining States.

That the newspaper publishing industry has maintained employment and wage rates to an exceptional degree is shown by employment and payroll indexes of the U. S. Bureau of Labor Statistics. 1925 equals 100, See page 408, August 1933, monthly Labor Review, June figures:-

	Employment	Payroll
Newspapers & Periodicals	42.2	77.5
Book & Job	67.4	52.2
Average of 69 Industries	52.8	47.1

At the hearings on the commercial code the spokesman of the Allied Printing Trades Association proposed a wage scale for a 32-hour work week which would be the weekly salary of July 16, 1929, less 10 per cent. In partial justification thereof he cited an alleged increase in productivity as evidenced by reports of the Government Printing Office. He quoted Public Printer Carter, page 22, to the effect that shortening the work week from 48 to 44 hours increased individual productivity by percentages ranging from 4 percent to 10 percent, a rough average of 7 percent.

He quoted Public Printer Carter also, from his address to the Typographical Union Convention at Boston in September, 1931:

"It may interest you to know that the annual payroll of the office has been increased in the last ten years more than \$2,500,000 per year. The payroll, when I took charge

of it in 1931, was around \$7,500,000, and now the annual payroll, is slightly over ten million dollars per year.

"I, too, as an ardent advocate and a firm believer in shorter hours for labor. It was my pleasure to cooperate with the members of Columbia Typographical Union and other international officers in securing the enactment by Congress last year of what we call the five-and-one-half-day week -- the forty-four-hour week -- for all branches of the government service. That enactment has given employment at a most critical time to several hundred more men in the service of the government printing office and has added to our wage roll already more than \$600,000 a year, so that its benefits have become immediate."

Manifestly, the alleged increase in productivity was balanced by a definite increase in costs of approximately the same percentage.

We do not profess to know the financial conditions of the commercial printing industry but we do know that many daily newspapers face bankruptcy unless a very large increase in revenue occurs shortly. Increase in production costs of such newspapers will accelerate their collapse and result in less opportunity for employment.

Unemployment figures of the International Typographical Union for the fiscal year ending May 31, 1932, depart, for some reason, from the previously used method of showing in detail the number of members wholly unemployed. In the

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1932 report members working from 2 to 4 days per week are lumped with the number of members wholly unemployed. The International Typographical Union president states in his 1932 report:

"Members who might be classed as wholly unemployed are included with those working less than 5 days for the reason that such a large number of them secure occasional employment for a day or more."

This we submit is a wholly misleading presentation of unemployment figures. In every union office is a chapel chairman, representing the union. He collects dues from every member. These dues are based on earnings. The total working time of every member is available to the union and lumping the wholly unemployed with all who work less than 5 days per week raises the presumption that accurate figures would not support the union allegations concerning the necessity of drastically reduced hours. The union alleges by the method it uses that it has 11,960 newspaper compositors and 15,274 non-commercial shop compositors unemployed. It is worthy of note, that by the union's figures there are 22,277 news compositors regularly employed full time and 11,960 working less than 5 days or unemployed. In the commercial branch, 1,437 working full time against 15,270 working less than 5 days or unemployed. From these figures it will be noted that notwithstanding the shifting of members from commercial shops to newspaper offices, the ratio of fully employed

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newspaper compositors to partially employed or unemployed is more than 50 percent greater than in commercial shops.

That the number of unemployed is padded with many "unemployables", is admitted by Typographical Forum of New York, which editorialized in its July 16, 1932, number as follows concerning New York City alone:

"On the other hand, we have informed that we have a large number of 'unemployables'. Figures have varied anywhere from 200 to 800 on this classification. This group includes men who would still be among the unemployed if jobs were going begging. There are men who, because they have never learned to print or because of their intemperance or laziness cannot hold jobs; men who do not want to work more than is needed to exist and men who believe the Union owes them a living and should deliver it to their door."

The newspaper publishing industry with its employment at 96.2 percent of 1926 levels, has not contributed materially to the unemployment problem. Its average hours of work per week exceeded 48 prior to execution of the tentative code of August. A reduction to 40 hours per week, with a latitude up to 44 hours per week for six weeks semi-annually at peak production periods, at wage rates set forth in code Section 7, means approximately a 13 percent decrease in the work week for an industry which is but 3.6 percent in employment below 1926 levels. This we believe justifies

file fully the approval of Code Sections 5 and 7 as now before you.

Section 12 of the Daily Newspaper Code reads as follows:

"During the period of this code, publishers in the re-adjustment of their schedules of hours of employment, not subject to existing contracts and agreements, shall be free to readjust such schedules within the maximum hours hereinbefore provided, at rates of pay not less than the minimum so provided and no law, rule, regulation or order of any organization or group of employees shall require a publisher, in compliance with this code, to pay punitive rates for services rendered within the maximum hours of work hereinbefore specified."

The committee of 25 newspaper publishers representing a large majority of the daily newspapers of the United States, which drafted this code, endeavored to frame an instrument under which large and small dailies, in various localities, subject to widely differing production requirements, could function. Section 12, above quoted, is a necessary part of the newspaper code if it is to have a chance for successful operation. Without this section it would be impossible for some newspapers to remain in business, and observe the multitude of costly and restrictive union laws and make the drastic changes in operating schedules which are necessary under the code. These laws were burdensome even in prosperous years.

As the first book of laws to be considered we submit the International Typographical Union laws of 1923 as Exhibit B with this brief. Union officials themselves are not always agreed upon what these laws mean. The interpretations have been a source of disputes and litigation within the ranks of the union. All this costs newspaper publishers huge sums in loss of efficiency.

Priority, questions of competency, reproduction and control of foremen are the International Typographical Union laws which, with their various ramifications, create the most friction.

Throughout the country there are many officious union representatives with more union zeal than judgment who are interfering with production, creating friction between employers and unions, and increasing production costs through misguided determination to compel observance of union laws which are out of harmony with conditions.

To illustrate we quote a few citations from International Typographical Union laws of 1923:

Constitution Sec. 1 - Art. 1 - "This body shall be known as the International Typographical union of North America" and its mandates must be obeyed at all times and under all circumstances.

Sec. 1 - Art. 2 - "The International Typographical union shall exercise complete and unrestricted authority to define its jurisdiction." * * *

By-Laws:

Sec. 34 - Art. 4 - "Where appeal is made against an action or decision of a subordinate union, the action or decision of the subordinate union must be complied with by all parties pending decision by the executive council."

General Laws:

Sec. 2 - Art. 3 - "It is imperatively ordered that the executive officers of the International Typographical Union shall not submit any of its laws to arbitration."

Sections 1 and 2, - Art. 5, General Laws, relates to so-called resets and reads as follows:

"Section 1. The International regulates the use of plates and plate supplement matter to subordinate unions, with power to act."

Section 2. "The interchanging, exchanging, borrowing, lending or buying of matter previously used, either in the form of type or matrices, between newspapers, between job offices, or between newspaper and job offices, or vice versa, not owned by the same individual, firm or corporation, and published in the same establishment, is unlawful, and shall not be allowed, unless such type or matrices are reset as nearly like the original as possible, made up, read and corrected and a proof submitted to the chairman of the office. Transfer of matter between a newspaper office and a job office, where conducted as separate institutions, and from

separate composing rooms, owned by the same individual, firm or corporation, is not permissible unless such matter is reset as nearly like the original as possible, made up, read and corrected and a proof submitted to the chairman of the office. Provided, That where an interchange of matter from an English publication to a foreign language publication, or vice versa, is desired, under the provisions of this section, such exchange shall be regulated by agreement between the employer and the local unions interested. The time limit within which borrowed or purchased matter, or matrices are to be reset shall also be regulated by agreement between employers and local unions."

This is an economic malpractice which is probably without a parallel in a serious industry. No other union of the printing trades enforces any law or rule similar to it. It is described in Decree No. 406 of the War Labor Board, Chicago Local A. F. L. vs. Chicago P. M. No. 16, as a "wasteful criminal practice". It is variously known in the industry as "bogus", "deadwood", "reset", "reproduction". It is not observed in Washington, and in some smaller cities is avoided by local agreement. The International Typographical Union refuses to submit it to arbitration in so far as local matter is concerned.

Once advertisements or other type matter or cuts are composed there can be made from the form any required number of stereotype matrices, by which we mean molds. From these

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mats or molds stereotypers make a casting which duplicates, in one piece, the face of the original work of the compositor.

These mats or molds can be, and frequently are, sent to other newspapers in the city for casting and use. International Typographical Union law requires that within the period stated in the local contract, each office making use of such mats or molds must assign compositors to set the matter in type, proofread it, correct it and throw it away, generally after the paper is printed; utterly wasted labor. Extra help, if available, must be employed, if necessary, to go through the motions of working within the time limit set by the contract. If not reset within the time limit it does not become "dead" copy. It must be reset whenever additional help does become available. Thus, in order to liquidate the requirements of International Typographical Union law, a local advertisement or reading matter must be reproduced with wasted labor, at the union scale of wages, as many times as there are newspapers publishing the matter.

Priority laws of the International Union

Enacted in Sec. 11, Art. 3; Sec. 3 and 4, Art. 4; Sec. 3, 4, 5, Art. 5; and all of Article 10, general laws are omitted quoting them because of their length.

These laws are mandatory only as to newspaper offices. They are more drastic and inflexible, as enforced, than any laws of any printing trades union identified with newspaper production.

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They are the most costly to newspapers, of any kind, because of inefficiency of service which they enforce.

Under the present operation of union priority laws a reader knows that he can "get by" in delivering his orders for production, and that the foreman can not discharge his without great difficulty and delay.

Every union foreman of any considerable size knows that in many cases his readers, newsmen on the whole, show production ability materially above the average for the room and are overtly "stamped on" by the chapel chairman or some member of the chapel who warns that if the newsmen expect to get any subbing, from members he had better conform to average of that room.

Union representatives universally insist that a member who has worked a given time in a newspaper composing room may not thereafter be discharged for inefficiency.

The consequence is that, in every newspaper, printers who are temperately inclined to "lay down or to 'job'" habitually deliver a minimum of service because they are firmly entrenched behind the International Typographical Union priority laws.

Likewise, when reductions in force occur under union priority laws, it is always the least efficient members who are left.

This may include a number of the most efficient members

of the force

The result is decreased economy, a higher cost and increased production cost.

Manifestly, if competency to best perform the work were made the controlling factor there would be more and improvement for the able and progressive member of the union to rise above the mediocrity of ability which has become so prevalent in newspaper composing rooms.

In so far as machine operators are concerned the production is encouraged by the following section of Article 7, International Typographical Union general law:

"Subordinate unions are prohibited from establishing piece or bonus scales and the International Union disavows the renewal of such scales where they are now in force and a subordinate union in whose jurisdiction a piece or bonus scale is in operation must include in all proposed contracts a provision 'for an all-time-work scale.'"

No member of the International Typographical Union shall engage in speed, record or other contests, either by hand or machine. Violation of this law shall be punishable by a fine of not less than \$20, or suspension.

Newspaper production requirements vary so widely that only the greatest latitude within the limits prescribed in Code section 12 will make it possible for any newspaper to operate under the I. T. U. and remain in business.

Punitive rates are exacted under Union law, at present, even though time in excess of the unit of hours constituting a shift be not worked.

Without Code section 12 the way would be opened for added exactions of punitive rates for calling men to work "out of regular hours."

We will not burden the record with copies of the several hundred contracts unless the Administrator desires them. An illustration will suffice:

Section 12, Article 3, General International Typographical Union law, provides:

"Every scale of local unions must contain a provision calling for compensation at not less than the night rate for all work begun before 7 A.M., or when the hours constituting a day's work end after 6 P.M."

These are known in the industry as "slide hours." They vary as to the city and region, the usual practice of smaller cities being to prescribe a twelve hour period in which all work performed draws the night rate and a twelve hour period in which all work performed draws the day rate. The night rate generally is higher than the day rate.

Most contracts provide for a split shift, i. e., work extend up from day hours into night hours, or vice versa. It usually calls for the night rate.

In addition to this, in large city contracts there is

usually a so-called "lobster shift" or third shift carrying a punitive rate over and above the night rate.

We will say a contract provides slide hours of 7 a.m. and 6 p.m. for day work; 6 p.m. to 7 a.m. for night work. It contains a split shift provision and also a third shift provision covering men starting work at 10 p.m. or later. Say the rates are \$7.50 per day, \$8 per night, and \$8.50 per third shift, with 7-1/2 hours constituting the third shift, (7-1/2 hours each of the other shifts).

There would be various other "mixes" and it is not in a typical contract but the foregoing points will serve as a basis.

Production requirements may call for a considerable number of the crew of an afternoon paper to start work at 8 a.m.

The publisher sought 8 a.m. for the slide hour, but the union refused to consider it because I. T. U. law provides otherwise.

He is, therefore, required to pay all men starting at 8 a.m. the night rate of \$8, although they are working days.

Suppose, further, the publisher has a half dozen men starting regularly at 9 a.m. and a break in news or advertising copy necessitates calling them at 8 a.m. The union frequently demands that he pay prime and one-half up to the "regular starting time", \$1.50, and a full shift the after

\$7.50, even though the men have no work to perform which will hold them beyond the unit of hours a certain number of hours. If his third shift were to be called at 8 p.m. instead of the customary 10 p.m., the publisher might be called upon to pay \$2.50 for the two hours up to 10 p.m., and for a full shift, \$1.50 thereafter, a total of \$4.00, even though the aggregate working time does not exceed six and one-half hours.

It is needless to go on the time of the Administrator with the numerous punitive combinations which may be worked out under any contract.

Shortening the week multiplies the opportunity for this or other.

In some cities local unions are endeavoring to enforce a rule whereby subs are forbidden to show up at the office except on one stated time.

If later it becomes necessary for the office to call in then they collect a call-back fee of 41 or more for the call, receive pay for a full shift, and are not permitted to work past the time the regular press stop work unless paid additional overtime.

The obvious intent of these rules of the union is not to compensate the administrator or any excess output that he may have given or extra hardship that he has had, but merely to mulct the publisher for an added benefit or an extra service.

For the foregoing reasons Code section 12 is imperative.

It must be remembered that on far western newspapers the day's news from the Atlantic seaboard breaks three hours before the day's work, as defined by International Typographical Union law, can start in the western composing rooms at any rate.

This again illustrates the necessity for Code section 12. Section 14 of the daily newspaper Code reads:

"The right of employer and employee to work together free from interference by any third party shall not be affected by this Code, and nothing herein shall require any employee to join any organization or to refrain from joining any organization in order to secure or retain employment."

This, we submit, is entirely in harmony with a recommendation of the Chief Administrator of the National Recovery Administration, as follows:

"It has been repeatedly said that it is not the function of the N. R. A. to organize either industry or labor. To obtain the benefits of this act it is not necessary for workers to join either company unions or any particular labor union."

We believe no better reason can be stated for the confirmation of its confirmation.

We will not further consume the time of the Administrator by going into detail as to other union laws.

The same complaints we have set forth against International Typographical Union laws apply to those laws of

other unions which are identical or similar.

We accompany this brief with copies of said laws as follows:

Exhibit C. Laws of the International Stereotypers and Electrotypers Union of North America.

Exhibit D. Laws of the International Photo Engravers Union of North America.

Exhibit E. Laws of Mailers' Trade District Union of North America.

In conclusion we state that these union laws are intolerable and burdensome under the best of conditions. Under increased conditions they are intolerable.

We move that all union laws set forth in Exhibits C, D, and E be declared subordinate to the daily newspaper Code under the N. R. A. in so far as said laws apply to wages, hours, working conditions, and administration of the department; and that disputes arising between any daily newspaper publisher and any subordinate local union shall, upon mutual local agreement, be submitted to arbitration in accordance with the code of procedure set forth in Exhibit A herewith and known as the International Arbitration Agreement between the A. R. P. A. and the International Printing Pressmen and Assistants Union.

Deputy Rogers: Do you offer an amendment to the Code so that that purpose may be accomplished?

Mr. Kelly: Did you say, Can I offer it?

Deputy Rogers: Do you offer it?

Mr. Kelly: I think it is covered in the present Code and think that might be a matter --

Deputy Rogers: Article 12 is covered?

Mr. Kelly: Article 12, is it?

Deputy Rogers: "During the period of adjustment, the steps in the readjustment of their schedules of hours of employment, not subject to existing contracts, shall be free to readjust such schedule within the maximum hours hereinbefore provided, at rates of pay not less than the minimum so provided, and no law, rule, regulation, order of any organization or group of employees, or any publisher, in compliance with this Code, shall require rates for services rendered within the maximum hours of work hereinbefore specified."

Mr. Kelly: I do not know that that is a matter of

Deputy Rogers: Arbitration under the present Code, in the Agreement, between the A. P. A. and the U. I. A. there is a provision for the same.

Mr. Hanson: It is a matter of fact that the A. P. A. is maintaining these contracts unless they are rescinded by mutual consent.

Many contracts are expiring, and it is a matter of fact that some are expiring, then it is a matter of reference to the

Code. It is provided in that section adherence to the Code will not require employers to accept these rates of pay or hours of work within the maximum hours of work.

Mr. Kelly: If we had to readjust the hours of work, forty hours a week, we have got to make white men and men, and we do not want the effort on our part to be used the same as a method of collecting. It is a matter of fact that some are not worked in excess of the maximum.

Deputy Rogers: There is no provision in the Code that requires you to pay punitive rates. If, however, an expiring, the union asks you to pay punitive rates, you may refuse or agree as you see fit.

Mr. Hanson: Let us go on to the next.

"During the period of this Code, publishers in the adjustment of their schedules of hours of work shall be free to readjust such schedules within the maximum hours hereinbefore provided, at rates of pay not less than the minimum so provided, and no law, rule, regulation, order of any organization or group of employees, or any publisher, in compliance with this Code, shall require rates for services rendered within the maximum hours of work hereinbefore specified."

Deputy Rogers: This provides that it is a matter of

effect on existing contracts?

Mr. Hanson: Absolutely, but we also provide that in compliance with this Code if we refuse to pay the rates unless we are violating this Code, and if disputes arise and naturally come before the A. P. A. that provision in there is essential to the publishers in the reduction of their hours, so that that reduction will not be used by the unions for punishment.

Deputy Rogers: There is no provision in this Code for the arbitration of disputes with those who would otherwise be A. P. A. only because it was labor law, the function of the A. P. A. would be purely hortatory.

Mr. Kelly: I think that would have to be by agreement between the parties.

We have never recommended arbitrations. It has been by mutual consent.

Deputy Rogers: You are, in fact, offering arbitration yourself and asking the arbitral procedure be compulsory on the other side.

Mr. Kelly. No, it would require the mutual consent of both parties and that is entirely in harmony with our section 14 providing that no law, rule, regulation or order of any organization or group of employers shall require a publisher, in compliance with this code to pay punitive rates for services rendered within the maximum hours of work hereinafter specified.

Now, the parties would, by mutual consent, enter into an arbitration, but we are asking that the law treated and tried arbitration agreement with the second largest union in the printing trades, in so far as newspaper publishers are concerned, be made the controlling instrument.

Deputy Rogers. And, that this code impose such an arbitration agreement on the unions who now refuse to arbitrate?

Mr. Kelly. No, that is impose that condition upon all unions which do enter into arbitration agreements with the publishers. We are not proposing that it be compulsory upon the union, or compulsory upon the publisher to arbitrate, either party being free to reject arbitration if it so elects. That is true under the existing international arbitration agreement with the pressmen. Both organizations are part of the international agreement but do not say in substance that the local party must submit his dispute to work. It is optional to reject it or to accept it. If they sign the national agreement of 1938, they must submit all their disputes during the life of

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the agreement.

Deputy Rogers. I take it that we will have some evidence on this point from the labor witnesses this afternoon.

Mr. Kelly. Quite likely.

Deputy Rogers. We will defer any further questions until

Mr. Charles D. Butler.

STATEMENT OF MR. CHARLES D. BUTLER,

of Menasha, Wis., President of the
Inland Daily Press Association.

Mr. Butler. My name is Charles D. Butler; my address is Menasha, Wisconsin. I am president of the Inland Daily Press Association, which has a membership of 60 daily newspapers, mostly in the mid-western States. In the entire list of 60 or five large metropolitan newspapers, there are no more than 100 to 150 association for representation in all matters affecting their welfare, and I, as its president, have had no active work in the negotiation of this code. The preparation of the code for the past year or so has been in the hands of the representatives of the various newspapers, who have also taken a considerable part in the preparation of the code. Just with the code, we have a considerable number of our smaller daily newspaper members have been obliged, in subscribing to the code, to

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petition, under paragraph (14) for a stay of the requirements of Sections (4) and (5) concerning hours of work. Where these petitions have been made since August 28th, the local administrator, in some instances, has required the subscribing newspapers to accept a "blue flag" with the so-called "red stripe" across its breast.

The average mid-western city of 25,000 or less is principally a retail distributing center for the surrounding agricultural areas; its industrial activities, if any, are of secondary importance. The newspaper is usually the largest, in many instances the only, employer of printing craftsmen in the community. Most newspapers of this class have maintained their working staffs intact through the depression, and have maintained a work week as close to the prevailing 48 hours as circumstances would permit. Very few of them, before July 1, had been reduced to a 40-hour week. As a result, there are seldom any unemployed printing craftsmen in their communities.

Their problem, therefore, is to keep going with the staffs they have. To do this on a 40-hour work week is in many instances, impossible, and we have had filed with us a number of petitions under paragraph (13).

The loyal support which these country dailies have given to the entire NRA program, and particularly to the President's

blanket program is all-reversed when they are asked to accept an insignia which indicates only modified support of the program so far as their own operations are concerned. Many of them are attempting full compliance, but under difficulties which compel them to refuse advertising on peak days and to cut down their services to their readers.

It asks, therefore, on behalf of those smaller publishers, that paragraph (5) of the Daily Newspapers Code be amended to read as follows:

"5. All hot weather are prohibited from working more than 40 hours per week in any city of over 25,000 population; not more than 44 hours per week in any city of between 5,000 and 25,000 population; nor more than 48 hours per week in any city or town of less than 5,000 population; but with the right, in cities of over 25,000 population, to work a maximum week of 44 hours for any six weeks within any six months period during the term of this agreement, but not to employ any worker more than 8 hours in any one day."

The adoption of this amendment will greatly lessen the number of petitions for stay under paragraph (13) and will enable many smaller publishers to feel that they are rendering full compliance with the provisions of a program that they have willingly supported, regardless of their political and economic beliefs.

MEMO

Deputy Rogers. Mr. Williams.

MEMORANDUM FOR THE SECRETARY-GENERAL,

Secretary-Manager of the Southern Newspaper Publishers Association

Re: Code. I am Creation Williams, a member of the Southern Newspaper Publishers Association, comprising about 215 daily newspapers published in fourteen southern States from Virginia through Texas. I have been active in the preparation of the code, and under the code authority would be entitled to a representative. We want to submit our views to the presentations that have been made.

I have not prepared a formal brief.

Respectfully,
C. Williams

to
Jensen
file.
copy

MEMORANDUM FOR THE SECRETARY-GENERAL,

On behalf of the Pennsylvania Newspaper Publishers Association.

Mr. Hardy. Mr. Administrator, my name is William S. Hardy, and I am the manager of the Pennsylvania Newspaper Publishers Association and Chairman of the code committee of Newspaper Association Manager, Incorporated.

Pursuant to a suggestion made by me at the hearing on the code for the Graphic Arts Industries, I am presenting a proposed addition to the daily newspaper code to provide for the administration of 11,000, weekly, semi-weekly and all other newspapers except daily or daily and Sunday newspapers.

As the representative of 776 Pennsylvania newspapers and 8,000 newspapers included under Newspaper Association Manager, Inc., I respectfully request permission to attend conferences on any codes affecting the newspapers I represent, and ask to be notified as to the time of such conferences at the address given below.

William S. Hardy

Phone 2-1111, 2-1112, 2-1113, 2-1114, 2-1115, 2-1116, 2-1117, 2-1118, 2-1119, 2-1120, 2-1121, 2-1122, 2-1123, 2-1124, 2-1125, 2-1126, 2-1127, 2-1128, 2-1129, 2-1130, 2-1131, 2-1132, 2-1133, 2-1134, 2-1135, 2-1136, 2-1137, 2-1138, 2-1139, 2-1140, 2-1141, 2-1142, 2-1143, 2-1144, 2-1145, 2-1146, 2-1147, 2-1148, 2-1149, 2-1150, 2-1151, 2-1152, 2-1153, 2-1154, 2-1155, 2-1156, 2-1157, 2-1158, 2-1159, 2-1160, 2-1161, 2-1162, 2-1163, 2-1164, 2-1165, 2-1166, 2-1167, 2-1168, 2-1169, 2-1170, 2-1171, 2-1172, 2-1173, 2-1174, 2-1175, 2-1176, 2-1177, 2-1178, 2-1179, 2-1180, 2-1181, 2-1182, 2-1183, 2-1184, 2-1185, 2-1186, 2-1187, 2-1188, 2-1189, 2-1190, 2-1191, 2-1192, 2-1193, 2-1194, 2-1195, 2-1196, 2-1197, 2-1198, 2-1199, 2-1200, 2-1201, 2-1202, 2-1203, 2-1204, 2-1205, 2-1206, 2-1207, 2-1208, 2-1209, 2-1210, 2-1211, 2-1212, 2-1213, 2-1214, 2-1215, 2-1216, 2-1217, 2-1218, 2-1219, 2-1220, 2-1221, 2-1222, 2-1223, 2-1224, 2-1225, 2-1226, 2-1227, 2-1228, 2-1229, 2-1230, 2-1231, 2-1232, 2-1233, 2-1234, 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I do not think it is necessary to read the proposed addition to the code.

Deputy Rogers. No, we will make that a part of the record as an exhibit.

Mr. Harty. Any comments?

Mr. Long. No.

Mr. Harty.

Journal of the Newspaper Publishers Association.

Mr. Long. Mr. Administrator, my name is John P. Long, General Manager, California Newspaper Publishers Association, representing 302 daily and weekly newspapers in California.

I am President of the Newspaper Association Managers Association, representing organized state and regional newspaper associations.

I hereby desire to record our acceptance of the American Newspaper Association's presentation of the daily newspaper code, and also to register my respectful thanks of appreciation for the Deputy Administrator's serious consideration of the possibility, and need for a basic newspaper code including all types of newspapers.

Deputy Rogers. 302 members, Mr. Long?

Mr. Long. Yes, sir.

Deputy Rogers. Of those 302 members, how many operate job printing plants?

Mr. Long. I would say about 70 per cent.

Deputy Rogers. Is it your proposal that manufacturing employees of their job printing plants should be under the code as presented by the American Newspaper Publishers Association?

Mr. Long. Provided that there would be an amendment which would take care of the combination plants. Otherwise they should be, in my opinion, under the commercial printing code.

Mr. Deputy Rogers. Are there other witnesses for the American Newspaper Publishers Association?

(No response.)

That exhausts the lists, Mr. Hanson, which you presented to me. Have you other witnesses?

Mr. Hanson. Mr. Charles H. Long, of the Pennsylvania Association. Through error I did not put him on the list.

Deputy Rogers. Mr. Charles H. Long, of the Pennsylvania Newspaper Publishers Association?

Mr. Hanson. That is right.

STAFF REPORT OF CHARLES H. LONG,

Editor and Publisher of the "Chester Times,"
Chester, Pennsylvania.

Mr. Long. Mr. Administrator, I am Charles H. Long, editor and publisher of the Chester Times, Chester, Pa.

I desire to endorse the remarks made by Mr. Harty, the manager of the Pennsylvania Newspaper Publishers Association, of which I am the President.

I also want to express my approval of the publication of the proposed addition to the daily newspaper code to provide for the administration of weekly newspapers.

I am a past President of the Pennsylvania Newspaper Publishers Association, and I am also a past President of the American Newspaper Publishers Association. I am also a past President of the Newspaper Association Managers Association. It is my hope that when the newspaper representatives draft the final basic newspaper code, they take into consideration the fact that in various parts of the country newspapers in cities under 25,000 population are altogether different from those of newspapers in the larger cities.

Deputy Rogers. Many of your members have job printing plants and compete with commercial printers, do they not?

Mr. Long. Yes, among the weekly newspapers, but not so much as the dailies, and those plants are not so big as the dailies, and they would be in competition with a thoroughly organized printing plant.

Deputy Rogers. Is it your proposal that newspapers, in view of their job printing, should be under the printers' code or under the newspaper code?

Mr. Long. I think up to a certain population—I think you will find the weekly newspapers in Pennsylvania have small printing plants with letter presses to take care of work in their districts, but they do not reach out to take work that affects the large printing plants in metropolitan

Deputy Rogers. You may gather by my questions some of the difficulty I have in respect to definitions, but no one must construe my questions as indicating any particular attitude of mind on that subject matter.

Mr. Long. I think perhaps in some instances you may find some plants in one or two cities where they are pretty well equipped for outside work and perhaps do such it, but I think those cases are perhaps very few.

Mr. Hanson. May I explain the position of the Association?

Deputy Rogers. Yes, sir.

Mr. Hanson. Just a word on the position of the proponents of this code as I understand it, Mr. Administrator. It is our thought that this code shall apply only to the newspaper publishers in the production of newspapers. If they engage in any such commercial activities then it is but proper, in the opinion of the committee which drafted this code, that their work in those outside commercial activities should be under the same rules and regulations as apply to the particular activities, and I do not think it will be difficult for machinery to be set up to take care of that situation.

Deputy Rogers. We will now take a recess until two o'clock.

(Whereupon, at 12:45 o'clock, p.m., a recess was taken until 2:00 o'clock, p.m., of the same day).

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The hearing was resumed at 2:15 o'clock p.m. pursuant to the taking of the noon recess.

Deputy Rogers: We have a group of witnesses now on the child labor provision of the Newspaper Code.

STATEMENT OF HENRY J. GIBSON

Mr. Gibson is administrator, my name is Henry J. Gibson, and I live at 215 East Sedgebrook Street, Philadelphia.

I am the director of the division of compulsory education in the schools of Philadelphia, and a member of the department of maintenance of that city.

I desire to speak particularly in regard to a section of the Code, which reads as follows:

"shall not employ any persons under the age of 16 years, except (a) those who are able, without impairment of health, to deliver or sell newspapers during the now established hours of such work where such work does not interfere with hours of day school, (b) those between 14 and 16 years of age who may be employed (but not in manufacturing or mechanical departments) for not to exceed three hours a day, and those hours between 7 a.m. and 2 p.m. in such work. It shall not interfere with hours of day school."

In order that you may understand my position I desire to say that in my opinion, I desire to say that in my opinion

the employment of boys of proper age in the sale and distribution of newspapers and magazines is a legitimate work, which should be regulated and supervised by the proper authorities.

Experience has shown that this work affords an opportunity to satisfy their natural impulses for work with pay, and enables them, in many instances, to supplement an insufficient family income and pay their expenses while attending school.

The code as drawn above is open to the objection that in Pennsylvania, at least, it lowers the standards of protection for boys in this field of work.

1. The first objection on this point is that it permits the employment of children of any age in the sale and distribution of newspapers. The Pennsylvania law forbids the employment of boys under the age of 12 years. Many friends of children believe the minimum age for boys should be 14 years.

2. The second serious objection to the code is that it permits the employment of girls of any age in this work. Pennsylvania law forbids the employment of girls under 12 years in the sale or distribution of newspapers in a public place or, in fact, in any street or place.

3. A third objection to the code is that it permits the employment of children of any age during non-established

hours of such work as is such work does not interfere with hours of day school." But are "now established hours?" If the code is to give all children of the nation a uniform measure of protection, the regulations should fix hours for employment. Under the code as written, it work and early morning deliveries are not forbidden to children of tender years.

1. The objection to the code is that it is not a positive
 2. of any one who are able, it is a negative one.
 3. To do this work, it seems to me, it is necessary
 4. to have a person who is able to do it, and it is not
 5. the case in the code is that it is not a positive
 6. of any one who are able, it is a negative one.
 7. To do this work, it seems to me, it is necessary
 8. to have a person who is able to do it, and it is not
 9. the case in the code is that it is not a positive
 10. of any one who are able, it is a negative one.

[illegible]

I am very pleased to see that you are interested in the book.

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3 That certification be required for any work done
of a worker in this work, thus verifying the work
of each worker in the work

4. That every boy be assured adequate pay in harmony with other minimum wage requirements of the FRC code;

5. That the regulations apply to the sale and distribution of magazines as well as newspapers.

The deletion of a code removing the effect of not having a "leading" the amendments are effect also could be a new range of protection in all manner of children and would it be that the laws opportunities for healthful, with a the employment to thousands of boys between 1 and 14 years who are not excluded by the current, and could be very, if formerly on a to them. This, being the to boys at a time of school hours would be a very hour of the one billion, very young boys and the, and small to be used with a and unfair broad the, and the, and the of labor as a great freedom is usually the, and the of the dependent.

are there any additional ones?

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STATE EXT OF JAMES HOGG - 1129
OF RICHMOND, VIRGINIA

Mr Roke: I listened with interest to Mr. Atchill's statement this morning and agree with much of the criticism there are, however, definite hazards and serious present and the direct threats. Such as that of the newborn, and there should be proper and limits fixed for this as there is a lot there.

I have been engaged in Juvenile Court work since 1912. For four years I served as Clerk and Probation Officer of the Juvenile Division of the Police Court of the City of Richmond, and since January 1, 1916, have served as Judge of the Juvenile and Domestic Relations Court of that city.

It is my opinion, based upon observation and experience over this period of twenty-one years, that street traders, such as the selling of magazines and newspapers on the street, are harmful to children of tender years.

I conferred yesterday with Mr. John Hopkins Hall, State Commissioner of Labor, Mrs. Carrie L. Farmer, Director of the Division of Women and Children in the Labor Commissioner's office, with Dr. Charles L. Outland, Medical Director of the Richmond schools, formerly Chief Medical Inspector for the city of Richmond, and who as such, gave physical examinations to all children applying for streetboys' badges and work permits;

with Miss Alice Hopkins, School Attendance Office for the City of Richmond; and with Miss Sarah B. Koller, Mr. J. Trevillian and Mr. J. M. Ward, Juvenile Probation Officers of the Court. These ladies and gentlemen agreed with me in the opinion expressed above.

Dr. Outland states that about 40 per cent of the children examined by him during the past year for badger or warts, had one or more defects of one sort or another, such as defective teeth, diseased tonsils, malnutrition, and so forth. He is of the opinion that it is best for the health of children under the age of 14 years, that they should have a full night's rest and sleep. Miss Hopkins states that she has had a number of complaints that boys who deliver papers in the early morning hours are sleepy in school. It is further stated that rules of the newspaper office require the newsboys to report at the branch delivery office by 5:00 a.m., ready to start on the actual delivery not later than 6 a.m.

Mr. Hall and Mrs. Farmer state that in Lynchburg, Va., they recently found little boys as young as 9 or 10 years of age selling papers on the street. Upon visiting the homes of two of these children, they found unemployed fathers idly smoking. The Commissioner's natural reaction was: "Why isn't the man out selling the papers instead of the little girls?"

The Commissioner of Labor also pointed out that the

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younger children who sell newspapers, offer unfair competition with older men, with cripples and with boys of high school age, all of whom actually need the revenue from this work to maintain themselves and their families. It is known to the court that some of the older boys who carry newspaper routes are by this means partly maintaining themselves in high school and even at college.

Last year when a group of 13 or 14 white boys ranging in age from 10 to 14 were in court for selling newspapers in violation of the law and a similar number of negro boys were brought in for the same offense, the court made it a point to inquire of each boy just what use he made of the money earned in selling papers. Two of the white boys stated that they were saving their money for useful purposes. All the others stated frankly that they were spending their money in slot machines, at movies and for ice cream, candy, etc. The negro boys, on the other hand, claimed that they were taking the small sums earned by them home and giving it to their mothers to assist in the support of the family.

My Probation Officers for boys brought to our attention the fact that under S.R.A. a number of boys under age who had been working on newspaper routes, have been released since our newspapers adopted in principle the new code. These places are now readily being filled by older boys who heretofore have

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been working on other jobs, such as helpers on ice trucks, porters and errand boys in grocery and drug stores, and who are now losing their jobs because under the minimum wage requirement of the S.R.A., the employer is to employ full-grown adults for these positions since the employer now has to pay the minimum of \$12.00 a week, whereas formerly the boys were employed at wages ranging from 50 cts. to 1.00 per week.

The proposal to exclude boys under 14 from newspaper selling raises the very natural question—What is the solution for those whose families are really in destitution? My opinion is that S.R.A. will afford an answer to many of these problems in providing adequate income to adult members of the families so that they will be able to maintain the children properly without the aid of the youngsters; that where the father is dead and the mother is unable to leave her children or, if working, to earn a sufficient income to provide for them, then the State or the local community, through the State administration of mother's aid funds, must provide adequate relief to enable these children to grow up in a normal healthy and happy childhood, at least until they attain the age of 14 years.

My remarks above have been intended to apply to boys. I think it must be manifest to everyone that it is harmful and dangerous for girls under the age of 14 years to be required in street trades of any sort.

Deputy Rogers: How many newsboys have been brought into your court in the last 6 years for delinquency?

Mr. Hicks: It is impossible for me to give those figures without making a special study of it. We do not classify them in our reports as to occupation.

Deputy Rogers: Are you able to state any general impression on the question?

Mr. Hicks: I would rather not make a general statement of that sort.

I should like for it to be accurate and, since I can not furnish accurate information, I would rather not undertake to make.

Deputy Rogers: Thank you.

STATEMENT OF MR. COUNTESS DINWIDDIE

MEMBER TO THE NATIONAL CHILD LABOR COMMITTEE

Mr. Dinwiddie: The National Child Labor Committee proposes the wording of paragraph 3, the child labor clause, in the newspaper publishers' Code, which reads as follows:

"That the publishers shall not employ any person under the age of 16 years, except

(a) those who are able, without impairment of health, to deliver or sell newspapers during the now established hours of such work where such work does not interfere with hours of day school;

(b) those between 14 and 16 years of age who may be

employed (but not in manufacturing or mechanical (craft arts) for not to exceed three hours a day, and those hours between 7 a.m. and 7 p.m., in such work as will not interfere with hours of day school."

The first exception (a) in this paragraph is for children, boys or girls, to engage in newspaper selling and delivery without any restriction as to age or number of hours.

The second exception (b) in this paragraph permits the employment of boys and girls between 14 and 16 years for three hours a day between seven a.m. and seven p.m. in any occupation except manufacturing and mechanical.

The National Child Labor Committee proposes to know at either from the standpoint of the children who are engaged in such work, nor from the standpoint of newspaper distribution, is there any valid reason for making this extraordinary provision which practically exempts the newspaper industry from the child labor prohibitions which have been enacted in other industries?

Mr. Rogers do not need to employ young children for newspaper delivery work. There are plenty of older boys already engaged in or available for such work and it is a common knowledge in many cases can be carried on by adults handicapped for other employment.

Newspaper selling and delivery is an undesirable occupation

tion for young children, involving night work, unwholesome influences on the street, traffic dangers, and health hazards.

The unsuitability of such work is already recognized by many States and cities which through State laws and municipal ordinances have regulated the age at which children may engage in such work and the hours for such work.

Many foreign countries classify newspaper selling among the occupations for which a higher age minimum is prescribed than for other industries.

There is no sound reason for allowing children under sixteen years to engage in other branches of newspaper work.

The National Child Labor Committee proposes a substitute clause for paragraph 3, to read as follows:

"That the publishers shall not employ or permit to be employed directly or through any distributing agent any persons under the age of sixteen years, except boys between fourteen and sixteen years to deliver or sell newspapers between seven a.m. and seven p.m. where such work does not interfere with hours of day school."

Such provision would exclude the four most objectionable features of newspaper work by children, namely

first, the employment of young children

second, very early morning routes

third, night work and

fourth, the use of girls for such work.

It would still permit boys between fourteen and sixteen to sell or deliver morning papers between seven a. m. and school time, and afternoon papers from the closing of school until seven p. m.

In support of the substitute clause suggested for paragraph 3, the National Child Labor Committee submits the following considerations:

First. Newspapers do not need to employ young children for sales and delivery work.

The International Association of Circulation Men, who has estimated that there are 570,000 newsboy deliverers and carriers in the United States under eighteen years, all of them "school" children.

No reliable count is available of the number of children under fourteen years or between fourteen and sixteen years engaged in the sale or delivery of newspapers.

The 1930 Census, which lists 21,783 children under sixteen years as so employed, of whom half were under fourteen years, is generally recognized as greatly underestimated. Studies made at about the same time in various cities indicate that the number is several times as great.

Probably 100,000 is a reasonably conservative estimate of the number of newsboys under sixteen years, of whom not more than half are under fourteen years. This would leave 470,000 newsboys between sixteen and eighteen years.

Comparing these figures of approximately fifty thousand newsboys under fourteen, fifty thousand between fourteen and sixteen, and 470,000 between sixteen and eighteen, it is evident that if the substitute clause suggested by the National Child Labor Committee were adopted, less than one-tenth of the present newsboys would be barred from work and another ten per cent would have their work limited to daylight hours, leaving the great bulk of the present newsboy population free to carry on their work as usual.

If this should create any shortage in newsboys, this could readily be absorbed by the employment of some boys over sixteen years or adults.

The delivery of newspapers is a suitable occupation for older school boys and the selling of newspapers on the streets can often be carried on by handicapped adults who can not engage in other occupations.

Second. Newspaper selling and delivering is an unsuitable occupation for young children.

A. Many newsboys are employed in the early morning and at night.

Most of the carrier routes are in the early morning or late afternoon. The late afternoon work is usually finished by six or six-thirty and consequently does not keep the children on the streets late nor interfere with their home life.

But those who deliver on door-to-door routes occasionally begin as early as four a. m. and frequently before six a. m., a long preparation for a school day.

In a study of newsboys in seven cities made a few years ago by the Federal Children's Bureau, 185 children were found who started work before six o'clock in the morning.

Many of the newsboy sellers, those who sell on street corners, in public places, at fairs, work at night and in many instances until late at night.

Those who sell late at night are chiefly of two groups:

Children who are trying to dispose of unsold evening papers.

Those who sell early "bulldog" editions of the afternoon papers.

Members of the National Child Labor Committee staff visited 23 cities, some of only 20,000 population, in the spring of 1932 and found in seventy nights' observations 1,740 newsboys apparently under fourteen years roaming the business streets between eight p. m. and two a. m.

A study made by the Federal Children's Bureau in seven cities a few years ago found 193 boys working on school nights after eight p. m. and 35 after ten p. m.

On Saturday night 433 boys worked after eight p. m. after ten p. m.; and 135 after midnight.

A study of newsboys in New York City made for the

New York Child Labor Committee in 1931 by Harry A. Shulzer, formerly with the New York State Crime Commission, estimates that more than 8000 children are engaged in newspaper sales and delivery in New York City and that more than 1000 children each week sell on the streets at night. Of 374 children arraigned for night selling through reports of the Bureau of Attendance, 41 were under twelve years of age and 155 were twelve or thirteen years old.

B. The work is detrimental to moral health

In addition to the risk of traffic accidents -- in 1931 ten newsboys in Illinois suffered considerable physical injury, of whom one was killed -- other undesirable features, from the viewpoint of the child's health, involved in newspaper selling and distribution by young children include irregular meal hours and exposure to all kinds of weather.

A full page editorial in defense of newsboys which has recently appeared in several newspapers pictures a young newsboy out in the rain with the caption:

"Neither snow, nor rain, nor heat, nor night stays these carriers from the swift completion of their appointed rounds."

Keeping in mind that many of these children are very small boys, the undesirability of a job that keeps them out under such conditions is evident.

The Children's Bureau study of carriers in seven cities showed seventy boys under eight years working as carriers, and 327 boys under ten years.

Among boys selling newspapers, 40 were under eight years and 27 were under ten years of age.

C. Many newsboys are subjected to undesirable influences.

From a study of newsboys in the East and West, it is evident that the street work, especially at night, involves many physical hazards for immature and inexperienced children. Their work often associates them with older boys and men who are versed in gambling, petty thievery, and other criminal activities, and their presence on the streets is often a result of the influence of unsuitable conditions. The bad habits which they pick up range from the wayward and offensive language and quarreling to thievery, gambling, and sexual perversion.

Louis A. Laessle, Warden of Sing Sing Prison, wrote the National Child Labor Committee on August 24, 1933, in reference to the exemption of newsboys from the child labor law in the newspaper publishers' code.

"While there are, no doubt, many who would favor the termination of such employment, it is not certain that the substitution of a law providing for the employment of children under the age of 16 is as much to be desired in the newspaper industry as in other fields. There are conditions peculiar to the distribution of newspapers which contribute to the incidence of juvenile delinquency. Particularly is this true in the 'news' business, and as in favor of prohibiting the employment of youngsters under the age of 16 in those cities. It is my thought that some arrangement could be made on the basis of regulation which would eliminate many of the abuses now existing."

The New York (N.Y.) News, commenting editorially on the newspaper code on August 11, 1933, states:

"How about the retention of child labor in the news business? Small boys in the city are selling or delivering papers outside day school hours."

"We don't want to be hypocritical about this, The News. Every other paper in town, benefits from sales of its papers (we don't have delivery routes) by small boys. These boys are 'merchants,' in that they buy papers at wholesale rates and sell them at retail. And they do work."

early and late

As we have all heard, many of our leading bankers and other great people sold or delivered papers when they were boys, and in to a poor widowed mother or young brothers and sisters. It is the stock argument for salaried newsmen to state in business instead of ruling them out in favor of youths or red or brown men. But it is equally true that many of our bankers, stockbrokers and prizefighters began their careers as newsboys.

It is hard to make a good case for the newsboy system that keeps young boys on the streets at unwholesome hours. We hope to see it eliminated some day, perhaps in the near future after such a delay as that which has been made. There were graduated out of baseball. The new boys' magazine code will contain a clause looking to that end.

The Federal Children's Bureau, after studying newsboys in several cities, reported that:

"The moral influences surrounding newspaper sellers in their work make it a dangerous occupation for the immature. Newsboys have a delinquency rate several times as high as the rate of delinquency among other boys of the same age. This is accounted for, to be sure, by poor home and neighborhood environment; but if boys are hardened and are to develop into law-abiding members of the community they

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are plainly in greater need of protection than more fortunate children are...." (Child Workers in City Streets, Publication #188, 1926).

Thomas Earl Silliman, professor of sociology in the University of Omaha, in his book, Social Determinants in Juvenile Delinquency, 1930, writes:

"In cities where studies have been made it has been found that delinquency among juveniles engaged in street trading has been from three to ten times as high as among the non-working and those otherwise employed. The environment, conditions under which they work give chance for many of the boy's tendencies to pass into vicious forms of experience.... In Omaha we made a careful study of newsboys who sold on the downtown street corners. Fifteen per cent of these boys had court records, which is 4.8 times their normal proportion of juvenile delinquency. In a study made in Dallas, Texas, newsboys furnished two and three fourths as many delinquencies as their normal proportion of the city. We realize that delinquency comes both from the individual and from the environment; but the external causes must be brought into terms of contacts and associations."

A cooperative study made on one day by several social agencies in Louisville, Kentucky, in 1920 reports that of 130 newsboys interviewed 21 had juvenile court records. This was the study which resulted in the adoption of the newsboy system formulated by Mr. W. H. Stodghill of the Courier

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Journal and Louisville Times which has been adopted in conditions in that city, and other cities where it has been inaugurated.

In a study made by the National Child Labor Committee in 1920 a reform school for delinquent children was visited. Information for 120 of the 130 inmates ranging from 12 to 15 years was secured and it was found that 85 per cent of these boys had sold newspapers on the streets at some period in their lives as compared with 47 per cent of 853 boys in two intermediate schools, representative of the same general type of family from which these boys came. For boys delivering newspapers, however, the percentage in the reform school was 78.3 as compared with 26.3 per cent in the public schools.

In the course of a study made in New York City in 1925 in New York City the investigator went to the juvenile court. Of the 15 cases which were heard, 75 per cent involved newsboys. This study gives an appalling picture of the casual acceptance by young boys of gambling, drinking, use of narcotics, and prostitution as a natural feature of their life.

D. Employment of Girls

Work which keeps young girls on the streets is undoubtedly undesirable. Although the Federal Census reports only one girl under 18 years as employed, a study by the Bureau

national Circulation Managers' Association, based on returns from 319 papers, found 1,811 girls under 18 years employed as carriers by 258 of these papers. This would mean, if the same percentage holds true throughout the country, a total of 8,000 girls engaged as newspaper carriers, in addition to the number engaged in selling papers on the streets.

III. THE UNSUITABILITY OF SUCH WORK IS ALREADY RECOGNIZED BY MANY STATES AND DISTRICTS

Nineteen States and the District of Columbia have laws regulating the employment of children in street trades. (These States are: Alabama, Arizona, California, Colorado (girls only), Delaware, Florida, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, Utah, Virginia and Wisconsin.

In addition, approximately 33 cities have municipal ordinances on the subject. Most of these statutes prescribe a minimum age for children to engage in newspaper selling or other street work, regulate the hours at which they may engage in such work, and carry regulations for licensing newsboys and enforcement of the ordinance.

IV. IN MANY FOREIGN COUNTRIES STREET TRADES ARE CONSIDERED AN UNSUITABLE OCCUPATION FOR CHILDREN, AND A HIGHER AGE MINIMUM IS PRESCRIBED THAN FOR OTHER EMPLOYMENT

The report of the International Labor Organization, "Age of Admission of Children to Non-Industrial Occupations," 1931, states:

"Street trading involves considerable work, and children to whom and relatively strict regulations concerning this occupation are found in most laws. Almost all laws which regulate the age of admission to general employment have a higher age limit for street trading, while several others, in which general employment is not regulated, have considered it desirable especially to regulate street trading. In the majority of cases the age limit exceeds the normal by two years, moreover, this often applies only to boys, since street trading for girls is usually more strictly regulated and sometimes even absolutely prohibited. In several countries the age is fixed at 16 for boys and 18 for girls."

The age limit for street trading in various countries is as follows:

Tabular Summary Showing the Age of Admission of Children to Employment in Street Trades

Country	Boys	Girls
Argentina	14	16
Australia	1	16
Belgium	14	16
France	14	16
Canada		
Alberta	16	18

Manitoba	12	12
Ontario	12	16
Saskatchewan	12	For-often
England and Wales	12**	12**
Ireland	14	14
Quebec	1	16
Irish Free State	14***	14***
Luxemburg	14	14
Peru	14	14
Switzerland	14	14
1 Canton	1	
3 Cantons	16	
7 Cantons	18	
12 Cantons	20	

* Local authority may regulate for boys of 12 and over; forbidden for girls.

** Local authorities may increase to age of 16

*** Local authorities may increase to age of 18

V. TO ALLOW CHILDREN UNDER 16 TO ENGAGE IN OTHER EMPLOYMENT IN THE NEWSPAPER INDUSTRY AS PERMITTED BY EXCEPTION (b) CANNOT BE JUSTIFIED ON ECONOMIC GROUNDS.

The sale and distribution of newspapers by boys 14 to 16 would be permitted by the clause proposed as a sub-

stitute for paragraph 3. For other work in the newspaper industry older boys and girls, and unemployed adults can readily be used. The only sound basis for exempting children under 16 for part-time work is when their work has a definite educational value, but the use of young children on a part-time basis usually involves menial and arduous work, etc., and in far too many cases is purely a device to obtain cheap labor.

I wish to read an excerpt from a letter directed to me from Mr. Josephus Daniels, editor of the News and Observer, of Raleigh, North Carolina:

"The News and Observer is in complete agreement with you that it is unnecessary and improper for the newspapers to be permitted to use child labor when other industries are not. This paper has always stood against the use of child labor in industry and has no carrier boys or other employees under the minimum age established in the more enlightened codes. I hope that you will be successful in securing the elimination of this provision from the Code of the American Newspaper Publishers Association."

I wish to present for the record a letter directed to me from Herbert G. Parsons, executive secretary of the Massachusetts Child Labor Committee and administrative vice president of the Massachusetts Child Council.

I am submitting also, Mr. Chairman, the statements of several newspapers who are opposing this very child labor clause on the ground that it is not fair for newspapers to do for themselves what they are unwilling to see others get in the way of special privileges for the use of child labor.

Deputy Rogers: Your statement will, of course, appear in the transcript, and we will attach to it the other papers to which you refer.

freda file

Deputy Rogers Mrs. Hugh Bradford

STATEMENT OF MRS. J. E. PATTENGILL

On behalf of National Congress of Parents and Teachers Mrs. Pattengill. Mr. Administrator, I am representing Mrs. Hugh Bradford. I am Mrs. J. E. Pattengill, 426 West Madison Street, Lansing, Michigan, and appear in behalf of the National Congress of Parents and Teachers.

The National Congress of Parents and Teachers enters its earnest protest against acceptance of Section 3, subdivision (2), of the proposed code of the American Newspaper Publishers' Association.

For many years the National Congress of Parents and Teachers has been one of the organizations seeking earnestly to eliminate child labor. That has been one of the phases of our national effort in the field of juvenile protection. We have been tremendously encouraged by the great strides made in this field, through the provisions in relation to the employment of minors in the great majority of the codes submitted. Codes adopted to date have fixed 16 years as the minimum for such employment. We are heartily in sympathy with that standard.

We have, therefore, viewed with great concern the inclusion of subdivision (a) in this newspaper code. This clause would permit present practices to prevail. This would mean that children of any age might be employed on the streets

delivering or selling papers, at practically any hour of day or night. To these practices we have very grave objection, being convinced that they are highly injurious to very many of the children so employed.

We do not believe that the insertion of the phrase "without impairment of health" provides any safeguard for the individual child. We have had long experience in child health work. We recognize that the only way in which the child's health could actually be insured would be for the papers to maintain machinery for a thorough physical examination of each child to be employed, and for periodic examinations thereafter. The maintenance of such physical examination work would be more costly than the employment of adults or of boys 16 or over to do the work now done by those under 16.

But our concern is not merely for the child's physical health, although the hazards there are menacing enough. We are strongly of the opinion that the work of selling newspapers on the public streets is a demoralizing type of labor for children. Studies that have been made by the Children's Bureau of the U. S. Department of Labor showed that the average age of the newsboy was about 12 years. That means that many are much younger. These children, and especially those in the larger cities, work until very late hours at night, and must be up and on the streets at early morning hours.

These hours are strenuous for growing children. They are in fact, that interfere seriously with their school progress.

Their work hours are such as to deprive them of the child's right to normal play which is important to the development of a well-rounded, stable personality. They are not able to take part in the social and athletic activities of their life. Their physical and mental health is impaired. The work is not only physically and mentally exhausting, but it is also a source of moral and social influences which are not for the child's benefit. The work is not only physically and mentally exhausting, but it is also a source of moral and social influences which are not for the child's benefit.

We venture to hope that the new provision in the code will be incorporated in this code as is being extended to all others. We believe that the serious consideration that should be given is the exception allowed in subdivision (b) of Section 5, which would permit the employment of "those between 14 and 16 years of age who may be employed (but not in manufacturing or mechanical departments) for not to exceed three hours a day and between 7 a. m. and 7 p. m., in such work as will not interfere with their school."

We urge that the 14 to 16 year exception be limited to boys only, no girls to be thus employed.

This would be consistent with the existing law.

by other industries and with the general policies of the National Recovery Administration in its efforts to make employment available for as many adults and older boys as possible. We parents are especially concerned of the difficulty faced by boys from 16 to 20 who have had only occasional jobs, or none at all, since they left school. It will be a long time before regular industrial work will absorb those boys, even under the best of conditions. They are more ready, in body and in mind, than the younger boys, for such labor as the selling or delivering of newspapers and we respectfully urge that the age limits be so set as to give these additional employment opportunities within this industry.

We desire at this time likewise to record our hope that the section in the code for the Graphic Arts, the Periodical Publishing, and the Advertising Newspaper industries which relate to the employment of minors may be formulated in such a way as to provide no exceptions to the minimum age limit and hours of work regulation described above as the maximum considered that should be given.

We further desire to petition that the final paragraph in Section 1 (Employment Regulations) of the code for the Periodical Publishing Industry be eliminated. The inclusion of such a clause, exempting persons working on commission basis from all the restrictions imposed on employees, would

codes approved under the National Recovery Act. We sincerely hope that this standard will not be lowered in favor of the periodical publishing industry. Street selling and distributing involve even more undesirable features for children than the industrial and commercial occupations which have been prohibited by the codes. The fact that work as a "newsie" is one of the childhood memories of some successful men has been so emphasized as to prevent general realization of the harm this experience has brought to many other boys. Truancy, retardation, delinquency, and crime are often related to street selling.

By the exclusion of salespersons working on a commission basis from the provisions of the submitted code, there is actually no minimum age for the boys selling and distributing periodicals. The granting of permission to use children of any age at this work by the publishers is contrary to the purpose of the N.R.A. to increase employment opportunities and earnings for the older workers. Many boys of 14 and 15 excluded from industrial employment by the codes will be available for newsboy work. The hazards of street work for girls are too well known to permit of argument. Therefore, we recommend the following modification of the code:

Insert the following modification of the code: Amend the last paragraph of article V, to read:

regulations to read:

"For the purpose of this Code salespersons 16 years of age and over working on a commission basis shall not be considered as employees."

As to the employment of children in the Graphic Arts Industry, the members of the organizations which we represent have been much gratified to see the progress which has been made in the elimination of child labor in the President's Reemployment Agreement and the Codes approved under the National Recovery Act. We sincerely hope that this standard will not be lowered in favor of the graphic arts industry. Newspaper and selling involve even more undesirable features for children than the industrial and commercial occupations which have been prohibited by the codes.

The fact that work as a "newsie" is one of the childhood memories of some successful men has been so emphasized as to prevent general realization of the harm this experience has brought to many other boys. Truancy, retardation, delinquency and crime are often related to street selling.

Such exemption as that requested by these industries is contrary to the purpose of the N.R.A. to increase employment opportunities and earnings for the older workers. Many boys of 14 and 15 excluded from industrial employment by the codes will be available for newsboy work. The hazards of street work for girls are too well known to permit of argument.

Certainly no adolescent girls should be permitted to engage in such work.

We recommend the following modification of the Code submitted by the Publishing-Printing and Printing Subdivisions of the Graphic Arts Industry. Substitute for paragraph 1, Section 2 of Article II:

"No persons under 16 years of age shall be employed except boys 14 and 16 to sell and deliver newspapers for not to exceed 3 hours a day, and these hours between 7 a.m. and 7 p.m. in such work as will not interfere with the hours of day school."

STATEMENT OF BRUCE WATSON.

Mr. Watson. My name is Bruce Watson. I represent the Public Education and Child Labor Association of Pennsylvania, headquarters, 311 South Juniper Street, Philadelphia.

Mr. Administrator, my brief is largely in support of the position taken by my predecessors.

Objection is made to Paragraph 3 of said code, which reads as follows:

"After the effective date of this code, Publishers —

3. Shall not employ any persons under the age of 16 years except

(a) those who are able, without impairment of health to deliver or sell newspapers during the 2 hour established hours of such work where such work does not interfere with attendance in day school

(b) those between 14 and 16 years of age who may be employed (but not in manufacturing or mechanical departments) for not to exceed three hours any day between 7 A. M. and 7 P. M. in such work as will not interfere with hours of day school

Grounds of Objection

This objection begins with the provision that no publisher shall employ any persons under the age of 16 years except in the two exceptions stated in the code, which is completely

Objection is made to Exception (a) on the following grounds:

1. That the conditions imposed are not susceptible of exact interpretation and are therefore impossible of enforcement

For example, —

"Those who are able without impairment of health"

Who shall determine this, and how can it be proved? This is a meaningless question.

"The now established hours"

Does this mean the hours established by custom? If so, there is precedent for any hours the individual publisher chooses to adopt

Does it mean hours established by law? If so, they vary. There is but little uniformity among the various state laws. This would provide a differential standard for every state

Does it mean hours established by the publisher? If so, they vary with all the different publishers. It would mean a separate standard for every owner

2. That this exception would permit the employment of girls in street work — a practice repugnant to every sentiment of decency

3. That this exception would permit the employment of a boy or girl of any age in the delivery and sale of

newspapers. This feature is self-condemnatory

4. It is assumed that the P. E. & C. L. A. recognizes the evils attendant upon the employment of young children in street trades generally, including the newspaper trade. They are set forth in numerous studies — Child Labor in City Streets, Edward B. Cropper, Macmillan Co.; Street Boys in Detroit, 1931, National Child Labor Committee; Street Boys and Juvenile Delinquency, National Child Labor Committee; The Newsboy at Night, Public Education and Child Labor Association of Pennsylvania; Children in Street Work, Legislation 193, 1936, Children's Bureau, United States Department of Labor; and others — which have been made by competent investigators whose reports are available in printed form, and whose conclusions, abundantly supported by factual evidence, are uniformly condemnatory of the practice. Hence no argument upon that point is here attempted.

Objection is made to Exception (b) on the following grounds:

1. That it is unnecessary. There is an ample supply of boys over 16 years of age for employment in the newspaper industry as well as in other industries whose codes bar the employment of children under 18.

2. That it would tend to retard the re-employment of older persons now idle.

3. That there is no better reason for such an

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exception in the newspaper industry than in other industries where it is neither asked nor granted.

Our Proposed Substitute for Section 1 of the Labor Code

As a substitute for all of the provisions of the proposed Labor Code, the following:

§38. That the publishers shall not employ nor permit to be employed, directly or through any agent or intermediary, any person under the age of 16 years; except that boys between 14 and 16 years of age may be so employed to deliver or sell newspapers between 7 A. M. and 7 P. M. when such work does not conflict with the hours of day school.

The advantages that we see in this proposal are:

1. That it applies to the newspaper industry the same standard for the general employment of children, as that provided in the codes approved for other industries.

2. That the single exception permitting newspaper delivery and sale by children is so drawn as —

- (a) to admit of only one interpretation
 - (b) to bar such work by girls, and by boys of too little maturity, and
 - (c) to safeguard the child's school attendance
- in regard to the fine influence that the newspaper trade has upon the boys engaged in it, it brought to my mind a

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in my memory of an incident some years ago when I was chairman of a committee of the city of Portland, Maine.

Being interested in this subject, I made inquiries and found the issuance of permits for selling was issued by the police department, so I went in the police office and made inquiries and the chief of police told me they did it to permit the boys to work into the newspaper trade. No boy who had not the police permit was to engage in the trade.

I thought that was a fine idea. I did not know of its equal anywhere else. The chief explained further that they were not interested in the boys particularly. They were not interested in the regulation of the newspaper trade, but they thought it very convenient to have a list of those boys, to help them in the apprehension of guilty ones when complaints were made of petty misdemeanors about the city.

I do not offer that as a blanket condemnation of the newspaper trade. I engaged in it as a boy myself, and to date I have succeeded in keeping out of jail.

I know of very many estimable people have begun their lives in that way. There are a few, however, who have reached the high pinnacles of manager of a metropolitan newspaper. Many have gone in the other direction.

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STATE OF NEW YORK, ASSEMBLY.

Mr. Hall. My name is George A. Hall, and for 25 years I have been Secretary of the New York Child Labor Committee.

I will file two reports of the more recent investigation of street trades in New York State since 1928, one in the city of Buffalo and one in the city of New York, and I will also file a full statement of my objections to paragraph 2 of this code.

I merely mention one or two high spots that we object to in that provision.

After the splendid example of the law against child labor in the Cotton Textile Code which has been followed in other N. Y. codes, it was a matter of genuine regret to read in the papers a few weeks ago the proposed code prepared by the representatives of the American Newspaper Publishers Association, and to find incorporated therein a section which would have the effect of nullifying completely so far as child newspaper vendors are concerned the beneficial effect of this humane code standard.

Whatever may have been the motive back of the inclusion of these exceptions in paragraph 3 we are convinced the officers of this Association do not fully realize the implications involved in this proposal. If they insist upon that amounts to a wide-open child labor exception for their industry, many thoughtful people will feel that they are placing themselves before the country in an exceedingly questionable

position. Since newspapers throughout the land have generally signed the N.R.A. agreement and their columns are urging full support for the National Recovery Administration program it is a shock to find the most important publishers association openly asking to be exempted completely from the child labor ban incorporated in all NRA codes.

The inconsistency of the child labor position in this code has been pointed out, not alone by organizations and individuals interested in child welfare but also by the newspapers themselves. Editorials have appeared in various parts of the country condemning this feature, one of them carrying the significant headline "Preachers and Practices" and closing with the following paragraph:

"No newspaper which is editorially supporting the case for child labor should ask for its business operations exemptions which are not granted to other industries. Like other industries there are peculiar problems which apply to it and do not apply to other industries. They must be dealt with. But upon such broad questions as wages and hours and child labor, newspapers should ask no more for themselves than they insist upon for others."

For many years it has been a common practice for newspapers of the country to use young children as street sellers. While the evils of factory child employment at premature ages aroused public spirited criticism of this country more

than a hundred years ago, newspaper peddling as an objectionable occupation for children has received scant attention until recent decades. With the beginning of the present century, conditions surrounding little boys selling late at night in our larger cities awakened a few consciences. Concern and investigations were started to get the facts. Since that time no case of child labor has had as much attention as newspaper selling. At least twenty-one different investigations in this field in many cities have been conducted since 1910 in the United States. These surveys were carried on not alone by social welfare workers but by college, foundations, school authorities, public welfare officials, health associations and other disinterested groups. In addition the United States Children's Bureau made studies of street work in Florida, Columbia, Omaha, Milwaukee, Newark, Washington and Pittsburgh. Material independently gathered through all these sources represents not merely the prejudgment or prejudicial opinions of the investigators. It represents painstaking and scientific collation of various sources of thorough investigation. Many of these surveys follow the case-work method and the present history of thousands of newspaper boys in all parts of the country - from Dallas to Buffalo and from Chicago to New York.

These investigations in most instances resulted in the

enactment of laws to protect young newspaper sellers from the abuses uncovered. At the present time such protective regulations have been adopted in 19 States and the District of Columbia and local ordinances have been approved in 41 cities. This mass of survey evidence and the statutory law in themselves are ample proof of the need of regulation of newspaper selling by children. All of these studies agree regarding the following major objections to this juvenile occupation:

1. Use of young girls under 16 or 18 years of age
2. Use of little boys under 12 or 14 years of age
3. Night work after 7 or 8 P.M. for boys under 16

State laws and local ordinances therefore contain in one form or another regulations to eliminate as far as possible these undesirable features of newspaper selling.

As a representative of the New York Child Labor Committee, an organization which confines its activities to the Empire State, I shall limit my remarks to well substantiated facts based on investigations within its border. I have mentioned these other studies merely to show that New York is not unique in adopting legislation for the purpose of remedying the deplorable conditions surrounding newspaper work by young children.

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The New York Child Labor Committee makes no wholesale charge that all newspapers exploit children. After thirty years of experience it does assert, however, that enough of these openly encourage young boys to sell their wares unlawfully to make this question a serious social problem.

The child labor provisions of the proposed newspaper code are reactionary and therefore highly objectionable to the New York Child Labor Committee for three reasons: (1) the exception permitted under subdivision (a) is impossible of enforcement as no machinery is provided to determine when the delivery or sale of newspapers shall be deemed an impairment of health and therefore not permissible. (2) the exception set up in subdivision (a) is in direct conflict with the New York law and that of all states which have enacted regulations regarding newspaper boys as it would open the door to newspaper work by both girls and boys without age restriction of any kind and would permit night selling with no closing hour limitation whatever. (3) the exception sought in subdivision (b) for work outside of school hours would allow little girls of 14 years of age to engage in newspaper selling and delivery. The Committee therefore wishes to protest in the strongest manner possible against approval by the National Recovery Administration of this business section. We respectfully urge the complete elimination of subdivision (a) as it now reads and

in its place the substitution of the language found in subdivision (b) with an added proviso against use of girls under 15 years of age. This change would in effect establish an exception for boys between 14 and 16 to sell or deliver newspapers provided such work is carried on outside of school hours and not before 7 a.m. or after 7 p.m.

Surveys by experienced investigators, personal observations by members of the staff as well as by certain of our directors, have incontrovertibly established the fact that young children from six years of age and upwards sell newspapers in the larger cities of New York State. I have seen them myself on the steps of our State Capitol as well as in New York and in other cities of the State. The latest figures for New York City as to age of newspaper boys appear in the Shulman Study made in 1930. Investigators examined records of 322 school children violating the law during a period of two months only and found their ages ranged from 6 to 15 inclusive, 85 per cent being under 14.

It is further proven by competent evidence that hundreds of children under 15 work after the legal closing hour of 7 p.m. The Shulman report discovered 453 boys selling papers in New York City on one night from 7 p.m. to nearly midnight. Children's Court Records examined indicated a total of 374 newsboys arraigned for illegal night selling during October and November 1930. These boys ranged from 6 to 15 years

of age and were found peddling papers on the streets between 7 p.m. and midnight. That these night violations still continue is attested to by personal observations last Monday evening when I counted at least a dozen little boys under 15 selling after the legal closing hour, two of them 11 and 12 years of age, being interviewed at 9:45 and 11:05 respectively.

Night selling is acknowledged by newspaper men themselves. The circulation manager of one New York City paper commenting on the Shulman report wrote:

"I wholly agree with Mr. Shulman and Barrett, namely that something should be done about the young boys (and girls) under 12 years of age who are selling papers in the city and on the streets, sidewalks and elsewhere from 4 p.m. to midnight, sometimes even later. The situation is quite so bad now as it was, but it is bad enough, and it is nothing unusual for crowds of 100 to 300 boys to congregate around the man in charge of 'Canada' points wants the paper and sometimes direct from the trucks which bring them to location. Mostly these boys are between the ages of 10 or 15 upward."

The New York Child Labor Committee for many years has urged reasonable regulations of newspaper selling because of its untoward effects on children so engaged. No growing child under 14 can spend night after night in such

work on our city streets without detriment to his health and mental development. Loss of sleep, exposure to bad weather, irregular meals and indigestible food hastily eaten at a hot dog wagon, carrying of heavy bundles of papers weighing up to 150 pounds and over, all tend to rob newspaper boys of their chance for normal healthy development. A study of the health of 1000 newsboys by the New York Tuberculosis and Health Association disclosed the fact that 13 1/2 per cent because of rheumatic fever, anorexia or joint pains were regarded as potential cardiac cases while 1 1/2 per cent had organic heart disease. More than one-third had tuberculosis, nearly one-half of these having had two or more attacks. While there is no proof that newspaper selling was the direct cause of these defects, it is evident even to the layman that such work undermines resistance to these diseases.

Significant data were also secured in the Shulman survey regarding the effect of newspaper selling upon a child's educational opportunity. School records of children violating the street trades law examined showed that in a group of 322 boys, 88 per cent were retarded one or more terms as compared with 21 per cent, the city wide rate of public school retardation. Licensed sellers showed a retardation of 87 per cent. A study of the regularity of attendance of illegal sellers indicated that they were five

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times as frequently truant as school children in general. Late night newspaper sellers go to school the next day unprepared to grasp their lessons that they fall behind in school of promotion. These facts, all pointing to the same conclusion as previous inquiries in New York and elsewhere, justify the conclusion that the educational handicap of newspaper sellers and such that the irregular habit and late hours followed must interfere adversely with their school preparation and attendance.

It is not mentioned the practice of many newspapers of using young boys to deliver newspapers along prescribed routes. In New York City this plan is followed by about 100 papers which use 3,000 of 4,000 carriers boys 14 years of age and upwards. The New York Child Labor Committee recognizes the different character of this work which rarely takes over an hour a day is finished by 7 o'clock and is usually conducted in a residential neighborhood. It is carried on covered, in all kinds of weather and is open to serious accident hazard, as these young carriers with their pile of papers cross our congested streets. Only a few years ago a Brooklyn lad crossing a street with a load of magazines was struck by an auto and as a result spent many painful months in the hospital.

Our Committee therefore can see no valid objection to fixing in the code the same 14-year age minimum for delivery

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work for street selling. Particularly in this case of the goal of the Industrial Recovery Administration is to be realized in the opening up of jobs for older persons. One newspaper man criticizing the recommendation of the New York Child Labor Committee first made years ago that older people and cripples be used to sell and deliver papers said this comment:

"I would also like to point out to you the impossibility of giving the distribution to the homes to old men and the handicapped as referred to in Mr. Shulman's report. That simply could not be done. Moreover, it is boys' work at boy's pay."

The last words just quoted may be the trigger in the good pile. If earnings were made sufficiently attractive it would not such jobs be eagerly sought after by thousands of our present army of unemployed older boys and men? The experience of English and continental cities where child newspaper workers under 14 are rarely seen proves conclusively that newspapers can get along without exploiting little children and still prosper.

For these, and other reasons, Mr. Administrator we suggest that you do not approve this paragraph 3 as it now is written, and that you approve the substitute which has been offered.

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Deputy Rogers: Miss Julia K. Jaffray, Chairman, Public Welfare Department of the Federation of Women's Clubs

STATEMENT OF MISS JULIA K. JAFFRAY,

Chairman, Public Welfare Department of the Federation of Women's Clubs.

Miss Jaffray: Our organization, which consists of over 2,000,000 women, organized in every State, and in over 3,000 counties, takes exception to Section 3 for the sake of both child welfare and the prevention of juvenile delinquency.

We ask that the standards set in the President's Re-employment Agreement be maintained, and we approve the amendments which have been presented by other speakers.

Deputy Rogers: Thank you.

Miss Grace Abbott

STATEMENT OF MISS GRACE ABBOTT,

Chief, Children's Bureau, Department of Labor

Miss Abbott: I am here to concur with the general statements and contentions that have been made in regard to the Code and the substitute that is proposed.

I want to say that there is no field in the employment of children in which more factual material has been assembled than on the subject of the employment of children in the

Street trades. I have here a number of reports. They are the Children's Bureau's own reports, covering the cities of Atlanta, Columbus, Omaha, New York, Paterson, Washington, D. C., and there are other reports here from other agencies for many other cities. There is hardly a city of any size that has not made at least an informal, if not a formal, published study such as we have.

These studies bear out the general statements that have been made about the general hazards that there are in street walking and in street trading in connection with the newsboy trade.

I wanted to say, in connection with one question that you asked of Judge Ricks, that it has not been possible in all of these studies to determine actually what boys had a delinquency record. The Cincinnati study, however, showed that 29.8 per cent of the boys before the Domestic Relations Court had been newsboys, and that the delinquency was three and a half times as frequent among newsboys as any other occupational group.

I should not want to say that this was caused entirely by their being newsboys.

It would be hard to establish that that cause alone was responsible for the delinquency of those 29.8 per cent who became delinquents, but it would be very much harder to

establish that there was any relation between the two. We have succeeded conspicuously in life and the fact that they are engaged in newsboy service.

I am not going to attempt to analyze or summarize these. I should like to leave our own study and I should like to say it would be an enormous thing, in view of the factual material that is available if we selected the newsboy trade as the one educational occupation in the United States in which boys should be allowed to engage and allowed them to engage under restrictions that are not applied to other groups.

The facts do not errand it. The educators, the doctors and those familiar with conditions are all in favor of the type of regulation I think that has been advocated this afternoon.

Deputy Rogers: Thank you.

Mr. Russell J. Clinchy

STATEMENT OF REV. RUSSELL J. CLINCHY,

Minister of the Mt. Pleasant Congregational Church

Washington, D. C.

Mr. Clinchy: My name is Russell J. Clinchy, Minister of the Mt. Pleasant Congregational Church in Washington representing the Federal Council of Churches, a cooperative organization of 26 Protestant denominations.

Mr. Administrator, the Federal Council of Churches has not taken any specific action upon this immediate code. It has only asked that the statement of social ideals, adopted unanimously by these 38 denominations, be presented, because one of them relates specifically to the abolition of child labor; the adequate provision for the protection, education, spiritual nurture and wholesome recreation of every child, and therefore it asks that specific consideration be given to this item 3 of the proposed code, realizing that the suggestions which have been made to you by these other organizations fall specifically under the action of the churches in wishing to abolish child labor and to protect the individual boy and girl, and that the spirit of the churches is given by the sanction to the suggestions which have been made to Purdon file you today by these other organizations.

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Deputy Rogers. A number of appearances have been entered on behalf of the Guild of New York Newspaper Men and Women, who is the spokesman for that group?

STATEMENT OF ALEXANDER LINDEY

Of counsel for Guild of New York Newspaper Men and Women
Mr. Lindley. My name is Alexander Lindsey, 285 Madison Avenue, New York City

My associates who will follow me and I will present the case for the Guild of New York Newspaper Men and Women, consisting of upwards of 500 New York newspaper men and women, the Guild of Newark Newspaper Men and Women, representing about 150 newspaper workers in Newark, the Headline Club of Boston, representing about 400 newspaper writers in the city of Boston, and the Newspaper Men of Buffalo, numbering about 150

Mr. Administrator, it seems amazing that on the hearing of the proposed newspaper code which has lasted for about three hours or more no mention should have been made whatever of reporters, and we are here to speak of newspaper men and reporters

When we say that we are here to speak for reporters, we mean the editorial staffs, reporters, copy desk men, rewrite men, feature writers, and also the copy desk and reportorial staffs of press associations

Apparently the notion has gone abroad that newspaper

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men receiving less than \$35 a week are included in the proposed code and come within the maximum hour provisions and the minimum wage provisions.

A careful scrutiny of the code will reveal that that assumption is unwarranted by anything that is contained in the code itself. In sum, the code is all but too silent on newspaper writers, and we are here to urge the protection of the rights of newspaper writers in so far as this code is concerned.

The statement I have just made to the effect that newspaper writers are not covered by the code is borne out by a reference to paragraph 2 in which it is stated that the code will not apply to reporters receiving \$35 a week, and in which paragraph there is a cross-reference to paragraphs 4 and 5.

However, there is nothing in the code to warrant the assumption that the code will apply to reporters receiving less than \$35 a week.

We have certain specific objections to the code which will be argued by my associates, and I will merely state them.

We object to Section 14 in that it is confusing and misleading. If it is declarative of Section 7 (a) of the Recovery Act, we do not need it; if it qualifies it, we certainly do not want it.

Section 16, as it is presently worded, we also object to, because it gives representation only to the publishers and not to labor.

We are here to press certain specific proposals which will be consented on by my associates and I will merely enumerate them.

We urge the adoption of the 40 hour, 5-day week for all newspaper writers, the five days to be consecutive wherever possible.

We urge a minimum scale for all newspaper writers, as follows: \$20 for all newspaper men of less than one year's experience; \$30 for all newspaper men having between one and two years of experience; and a minimum of \$40 for all newspaper men of over two years experience.

Deputy Rogers. On all newspapers?

Mr. Lindsey. On all newspapers.

In order to protect the scale we urge that no more one-fifth of the staff of any newspaper or press association be permitted to consist of men with less than one year's experience.

We also urge the inclusion of a provision that if present salaries are in excess of the minimum, they be not reduced.

We also urge the inclusion of a new provision to the effect that if a newspaper man has been working continuously

on the newspaper for three years, he may not be dismissed with less than one month's notice; four years, with less than two months' notice; five years, with less than three months' notice; six years, with less than four months' notice; seven years, with less than five months' notice; eight years, with not less than six months' notice.

There is to be an exception, of course, that where a newspaper writer has been guilty of gross and flagrant misconduct he may be discharged without notice.

We further urge that a minimum vacation of two weeks with pay be given all newspaper writers.

We suggest that Clause 14 be stricken out and Clause 15 be revised.

May I now say, Mr. Administrator, that of my associates Miss Fleeson, of the New York Daily News, will speak on the 40-hour week provision; Mr. Angly, of the New York Herald-Tribune, on Minimum Wages; Mr. Joseph Lilly, of the New York World-Telegram, on dismissals; Mr. Raymond Brown, of Scripps-Howard, on Clause 14; Mr. James Kieran, of the New York Times, on Clause 15; and Mr. Morris Watson, of the Associated Press, on Press Associations.

Before I yield the floor to my associates, may I offer the actual wording of the additions and modifications to the proposed bids which carry out the requests of the newspaper writers? (Standing.)

Deputy Rogers. Miss Doris Fleeson

STATEMENT OF MISS DORIS FLEESON

Miss Fleeson. My name is Miss Doris Fleeson. I am a staff reporter of the New York Daily News, assigned at present to Washington. I am a delegate of the New York Guild of Newspaper Men and Women.

The five-day, 40-hour week, for which we are asking, is an accomplished and successful fact on the New York Daily News and has been for a year, long before the Blue Eagle was passed. The News has been on a five-day week for that time.

The New York Daily News is a progressive metropolitan newspaper in active competition with other New York newspapers. It prints numerous editions nightly and has the largest circulation daily and Sunday of any newspaper in America.

Deputy Rogers. Are you advertising the Daily News?

Miss Fleeson. I merely wanted to point out, Mr. Administrator—

Deputy Rogers. You have identified yourself sufficiently.

Miss Fleeson. I wanted to point out that the newspaper which did employ the five-day week successfully was not a small unheard-of, unknown newspaper.

Deputy Rogers. We will take administrative notice of

of that (laughter).

Miss Fleson. Not even executives are deprived of the five day week on the News. Both city and managing editors get the five-day week. Of course, the five-day week increased employment and purchasing power of this industry, the aim and object of the ERA.

There is no intention in asking for a five-day week to interfere with the continuity of news assignments. That does not happen on the News, where reporters who are covering kidnapping stories, for example, remain on the job until the job is finished, taking their days off after the conclusion.

In this connection we urge that the two days off on morning newspapers be given consecutively. Of course that is impossible on afternoon newspapers because they have a Sunday edition, but we would like it wherever possible.

We object to being classified as professional men and women for the purpose of depriving us of the ERA (Laughter.) We do not believe it was the intent of the framers of the Recovery Act to exclude us. We do not fix our fees and do not accept and reject assignments. (Applause.)

Deputy Rogers. Mr. Edward Angly

STATEMENT OF EDWARD ANGLY

Mr. Angly. Mr. Administrator, my name is Edward Angly, and I am here as a representative of the Guild of New York

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Newspaper Men and Women. I should like to confine my remarks to Paragraph 8.

We feel that the code proposed by the American Newspaper Publishers Association has left almost completely out in the snow those people employed in the newspaper business in the work of gathering and editing the news.

There is no minimum pay provided, as we see it, for reporters or copy readers, or others engaged in that aspect of the craft.

Paragraph 8 has flattered us, those of us who are fortunate enough to earn more than \$35 a week, by designating us as professionals. This is the highest compliment that has been paid to us since Edmund Burke looked above the clock in the House of Commons one day and dubbed us the Fourth Estate (Laughter.)

We do not feel that we are professionals, and we should like to have that stricken from the code. We feel that we are members of a craft.

Professionals, as we understand it, are persons engaged in a life work which has some minimum requirements for entrance into it, some test for competency, and some examination, and perhaps even a code of ethics. Of these we have none. (Laughter.) We have none except as the decency of the individual might dictate. (Laughter.)

Of the three desks which about mine in New York, two of these are occupied by gentlemen who are graduates in the

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law, both of them were admitted to the bar, and one of these practiced at the bar. I may say that he makes about half as much as the gentleman who did not practice law. But, it certainly is inconceivable that any of the reporters on this newspaper could go out tomorrow and operate with lawyers as such in the legal profession.

Deputy Rogers. What are you proposing—a closed shop? (Laughter.)

Mr. Angly. No, sir; I am proposing that we strike out the matter of designating us as professionals and permitting us to work as long as we like, and substitute therefor this clause which we have submitted stating minimum wages.

My own proposition is that we would like to be brought in as simple craftsmen (laughter) and taken up on the heights of the Blue Eagle instead of being left down in the valley of ragged individualism. (Laughter and applause.)

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STATEMENT OF JOSEPH MILLY.

My name is Joseph Milly, and I am here as a Representative of the Guild of New York Newspaper Men and Women, of which I have the honor of being Temporary Chairman. I am a reporter employed by the New York World Telegram.

I wish to call your attention, Mr. Administrator, to an amendment to the revised code, which was presented last Sunday night to a mass meeting of editorial workers of the New York newspapers, which received their approval and which has since received the approval of the other newspaper organizations which we represent--Boston, Newark and Buffalo.

This amendment we have designated Section 9-A, to be inserted after section 9. With your permission I shall read it.

"No newspaper writer who has worked on the same newspaper or for the same press association for more than three years may be dismissed with less than one month's notice; four years, two months' notice; five years, three months' notice; six years, four months' notice; seven years, five months' notice; eight years and beyond, six months' notice--here it is established by satisfactory evidence that a newspaper writer has been guilty of gross and flagrant misconduct, he shall be discharged without notice.

"Any newspaper writer who has been employed on the same newspaper or by the same press association for a year

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or more shall receive a minimum annual vacation of two weeks with pay."

This amendment refers only to notice of discharge. In proposing it we realize that few, if any, other code contains such a provision. Nevertheless we believe that it could justifiably and equably be made part of a code because the whole effect of such a provision would be to stabilize employment of editorial workers. The editorial employee would not be the only beneficiary of such a provision. The newspaper operators would benefit also; it would reduce the labor turnover of the editorial department, which we believe to be relatively high and a burden of operating expenses.

In addition to stabilization of employment we wish to prevent the arbitrary dismissal in the future of men and women who have given long years of loyal service to their employers.

It is a matter of common knowledge that men and women have been discharged from newspapers for the most trivial reasons, the degree of the triviality often being in direct proportion to the length of service. Men and women are dismissed for reasons of opinion, because a new proprietor, or a new editor, has merely taken a fancy to discharge them again, men and women have been discharged without protection.

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through the merging of newspaper properties, and there are instances of record of correspondents being left homeless abroad through the discontinuance of their publication.

However, a much more serious reason in our minds is the tendency to dismiss employees after long and faithful service because that very service has diminished their efficiency. It is also common knowledge that the vast majority of editorial workers are comparatively young men and women. In most instances men and women leave the newspaper business after their responsibility has become burdensome, because they have no security of tenure.

It is an established fact that when they leave a newspaper after having spent several years, it takes a long time before they can build up any business, and it is difficult for them to accumulate any security.

We believe that this lack of security tends to limit the worker's efficiency. It tends to make him subservient to outside influences, and to that extent it impairs the strength of the press. It pains me to say so, but it is a fact which we must acknowledge, that when poorly paid they are tempted to temper their news reports to provide their best suit when an exit becomes necessary.

In other words, we believe that inclusion of the provision would strengthen the freedom of the press in a very practical way, and that is what we all desire.

In conclusion I want to say that there is nothing extraordinary about the proposal. It is in effect on the Yiddish newspapers of New York, and it is in effect in England, France and other European countries.

We believe that our request is not unreasonable, and that the U.R.A. should do its best to make it possible.

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Deputy Rogers: Mr. Maywood Brown

Mr. Brown: Mr. Deputy Administrator, my name is Maywood Brown and I am employed by the Washington Post and Times Herald.

I am a delegate of the Guild of New York Newspaper Men and Women. I gather, Mr. Administrator, that you are familiar with the argument that section 11 of the proposed Code is in conflict with section 7a of the National Recovery Act. I can pass that by, but, in fact, I will bet it will not stand up. (Laughter.)

But Mr. Alisha Hanson, counsel for the publishers, has suggested that there is a vital connection between Clause 14 and Clause 11 of the proposed Code which deals with the freedom of the press. Mr. Hanson seemed to feel that this freedom concerned only the publishers. I saw that it is also a matter of importance to the men and women who write the stories which appear in the newspapers. After all, we make the newspapers. The publishers merely put them out. I used to be a newspaper man myself.

As an incident, I am sure, some of the publishers have allowed the feeling to grow and spread that newspaper men and women who join organizations of their own creation will be subject to penalties. The only way not to be penalized is for all newspaper men and women to join the Chinese torture room. A reporter who joins the

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displeasure of his boss by organizing activity may find himself writing obits all the rest of his life. I am a traitor, stating facts, and not making an attempt to be talked with at least a hundred newspaper men who are afraid that something might happen to them if they join such an organization of any character. I am sure that to hear that every circulating newspaper is the property of the publisher but I would like to see the kindly attitude extended by the publishers to writing newspaper men and women. I urge the publishers to remove clause fourteen of their own constitution because it clashes with their own eloquent defense of the freedom of the press. You do not have a free press which exists upon the fear and apprehensions of reporters who are frightened and feel that they have good reason to be frightened. They are working for myself alone, I say and that if more writers could obtain those things which even to us if the news writing unions will.

Thank you. (Applause.)

Deputy Rogers: Mr. Brown, I want to ask you just one question. I notice in your proposed amendment to paragraph 5 you exclude from the maximum hours, forty in any one week, you except the columnists and the writers of special continuous features appearing daily. We have had that or else in certain other codes, in the Cotton Garment Code, for example,

and it was called "home work." (laughter.)

Mr. Brown: The answer to that is easy, Mr. Deputy Administrator. I am a columnist myself and they have to reduce the hours a long way before they touch those on which I work. I mean, I could work one day and do my whole week's work. I do not ordinarily do it, so I do not think the columnists who'd be under the 40-hour week since they work five or six hours a week at the present time.

Mr. Hanson: I would like to make a correction to the statement that fourteen was necessary at all, freedom of the press. I think the record will be clear on that.

Mr. James Flanagan

Mr. James Flanagan

Representing the Newspaper Guild of New York

Mr. Flanagan: My name is James Flanagan, and I represent the Newspaper Guild of the City of New York and I am employed by the New York Times.

I want to address myself to clause 15 of the Code under the amendment permits this morning, under which the proposed Code authority would consist only of five men named by the N. E. A. It seems to me manifestly improper to have a code authority which is going to do the enforcing of such a code to consist solely of the employing group, and it seems to me that employees should have some representation.

Obviously speaking, the employees of a newspaper are a

board of three groups, editorial, mechanical and clerical, and it seems to me that some form of democracy so far as representation is concerned should be included in the code authority.

Deputy Rogers: Thank you.

Mr. Morris Watson.

Mr. Morris Watson

Here After Employed by a Press Association in New York City

Mr. Watson: My name is Morris Watson and I am a news writer, employed by the Press Association in New York. I here represent the Guild of New York Newspaper Men and Women, which includes press association employees in its membership.

In the code permitted here, there is no mention of press association, and I submit that these organizations that collect and distribute news to daily newspapers are a large and important part of the newspaper industry and should be brought under the provisions of the act.

Everything that has been said here by my colleagues of the Guild about conditions of newspaper editorial work applies to press association editorial workers. There is a difference of opinion in the nature of the work, and the qualifications for newspaper editorial workers and press association workers are the same.

I want to testify further, Mr. Administrator, that in

by provision the 40-hour week will not cause any employment increase by press associations unless the 40 hours fall in five work days.

Deputy Rogers: Mr. Lloyd Shito, of the Cleveland Editorial Employees Association.

Mr. Shito: Mr. Administrator, with your permission, I would prefer to have Mr. Harrison heard from.

Deputy Rogers: Mr. Marvin G. Harrison, also representing the Cleveland Editorial Employees Association.

Mr. Marvin G. Harrison

Representing the Cleveland Editorial Employees Association

Mr. Harrison. Mr. Administrator, my name is Marvin C. Harrison, of Cleveland. I am a lawyer, and I represent the Cleveland Editorial Men's Association.

I wish to address myself just to one question of fact, a matter which I think has not been stressed as much today by either side in this discussion as perhaps would be warranted, and that is the relationship between the code as presented and the President's Re-employment Agreement.

Anyone who will take the trouble to examine the proposed code and lay it alongside the President's Re-employment Agreement will observe instantly that six sections of the proposed code are drawn from the President's Agreement with some rather important and interesting changes.

I think it is fair in coming to the result and the meaning of the code to state those changes, and I merely point them out for what value they may give to you.

It will be observed, in the first place, and I say this just in passing, with reference to the child labor question, it will be noticed that the argument that has been made lately today with reference to subsection 2-A, for instance, is the part which was added in this code from the President's Re-employment Agreement, while the subsection B which was found in the original PRA and to which there is lit is if any criticism, is the language which was originally issued. In other words, the one change which we find in the proposed

code is a change which has so vitally reduced the protection so far as children are concerned.

Now, by going immediately to the other sections which deal with editorial writers, I call your attention to what is here as Subsection 4. That, of course, is nothing but Subsection 2 of the PRA with certain changes.

It will be noticed that the PRA, the re-employment agreement, made no exception, excepting from the 40 hour agreement, except outside salesmen. The proposed code has added to those exceptions three words, "representatives drivers and circulation men". I think it must be patent that when you except from the language of that section representatives you certainly leave all of the reporters and no doubt a good many other representatives of the newspaper, or that it is important to know that in drafting this code the gentlemen of the Publishers' Association have seen fit to take it as the President issued it and then add certain amendments and exceptions.

Deputy Rogers. That was done by a great many industries, substituting provisions in their codes for the corresponding provisions in the President's Re-employment Agreement. The American Newspaper Publishers Association is not unique in doing that.

Mr. Harrison. I appreciate that is true, Mr. Administrator, and I am not saying it by way of criticism, but merely so that we will understand what the code is.

Then it must be noted further that Section 8 adds to that, of course, the additional exceptions which are found there, and I will come to that in just one moment.

I want to point this out, of course, five relate merely to mechanical workers and is of no consequence here (Learner).

Eight, however, relates to 5 of the PRA.

Now, as it is observed in 5, there is no exception whatever for apprentices. That is brought into 6 for the first time, so far as the President's Agreement is concerned, and while it has not been stated here, it seems to me perfectly obvious that if it is possible to except an apprentice without defining what the learner or the apprentice is, then it must be inevitably possible for the newspaper publisher to designate any new man as an apprentice or a learner, since there is no inherent professional status about the profession or the craft, whichever we call it, and thereby can reduce wages to at least 70 percent of the minimum set forth. There cannot be any possible escape from that conclusion.

Now, going to Subsection 8, which is No. 4 in the President's Agreement, it is particularly interesting to notice in this subsection 8 the change that has been made here with reference to the exceptions. Subsection 8 excepts first the professional persons. Now, that has been discussed, and I just want to say this in passing, that we in

Ohio know a great deal about professional persons. We, within the last year, have added the real estate agents and insurance agents, and we have licensed and tagged funeral directors and barbers to the professionals, so if we included farmers and pedestrians we would have everyone now professionalized in Ohio.

In Subsection 8 you will note this also, persons employed in a managerial or personal capacity

The original agreement issued by the President was in a managerial or executive capacity, and this is particularly important, because when you use the word personal, there is obviously no person into whom it can be said to be employed in a personal capacity.

By proceeding to the next line, and I ask your particular attention to this, this is also one of the clauses of exceptions, employees of emergency, maintenance, and repair work. In the original agreement it was emergency maintenance or repair work. That sentence, of course, is clear and unambiguous, but in the proposed code they put a comma after the word "emergency" in order to make it appear that any work which is not an emergency, not of an emergency character, shall be excluded, and I think it goes without saying that newspaper work does relate in some aspects to emergencies, so that by the mere device of putting a comma after the word "emergency" they have totally changed the claim and

unambiguous meaning of the subsection 4 in the PRA, to make it so broad and so ambiguous that it would cover literally anything that they might see fit to make it cover.

In brief, Mr. Administrator, and without going further it seems to me that those deadly comparisons show that instead of attempting to make the PRA code explicit and applicable to the needs of the publishing business they have added exceptions, clauses of exceptions, and exclusions which have destroyed the clear intent and clear purpose of the act. It is something which would mean much, little or nothing according to the needs, desires and wishes of who sees fit to administer it.

Deputy Rogers. Mr. Lloyd White, a representative of the Cleveland Editorial Employees' Association.

STATEMENT OF LLOYD WHITE

Mr. White.

Mr. Administrator, I am Lloyd White, managing editor of the Cleveland Press, and President of the Cleveland Editorial Employees' Association. This association is made up of 170 newspaper writers, rewrite men, photographers and artists on two afternoon papers, being about 170 out of 200 employees below the rank of managing editor. It also has additional members in press associations, news and feature syndicates, and, besides representing my own association, I have been asked to speak on behalf of similar associations in Rockford, Illinois, Akron, Ohio, and Youngstown, Ohio.

associations in Rockford, Illinois, Akron, Ohio, and Youngstown, Ohio.

We petition the National Recovery Administration to consent to the substitution of the following paragraphs appearing in the proposed code for the Daily Newspaper Industry, as revised for public hearing.

(For:) Section 4

shall not pay any accountants, clerical, editorial, office, service or sales employees (except outside sales representatives other than editorial representatives) drivers, circulation men, and editors-in-chief and assistants in any office or department for more than one week. (These exempted employees or their outside salesmen, shall not be in excess of 10 percent of the total number employed.)

(For:) Section 5

shall not pay any employee of the classes mentioned in Paragraph 4, excepting reporters, desk and rewrite men, photographers and artists, less than \$15 per week in any city over 50,000 population or in the immediate trade area of such city; not less than \$14.00 per week in any city between 20,000 and 50,000 or in the immediate trade area of such city; not less than \$14 per week in any city between 2,000 and 20,000 population not in any immediate trade area of such city; not less than \$13 per week in towns of less than 2,000 population; provided that any such employee will receive as much as heretofore for the shorter day, week, or month, as herein provided, in the event that full time is worked (2) . . . shall pay reporters, desk and rewrite men, photographers and artists not less than \$20 per week for the first year of service; not less than \$20 per week after

the second year of service; not less than \$20 per week after the second year of service. Formulation for the purpose of this code shall be determined by reference to the Bureau of Census

(*) Matter deleted: "except - leave - and - . . . times, not to exceed five percent of the total as type of any establishment, are to be paid not less than . . . cent of the foregoing scale."

(For:) Section 7

shall not pay any employee of the classes mentioned in Paragraph 6, except apprentices, (1) less than \$10 per hour, and if his hours of work are reduced in accordance with this code, to pay either an hourly rate of pay not less than the hourly rate which prevailed in the same community on July 15, 1930, and in no event less than \$10 per hour, or a weekly wage of not less than that which he was receiving on July 1, 1931, for the same work. It is agreed that this agreement shall establish a minimum rate of pay regardless of whether the employee is compensated on the basis of a time rate or of a piecework arrangement.

(2) Matter deleted: "as covered in Paragraph 6"

We also petition the National Recovery Administration to grant to the elimination of the following paragraphs appearing in the 2 proposed code for the daily newspaper

Industry:

- (Section 8)
- (Section 13)
- (Section 14)

We further petition that the following paragraphs be added to the daily newspaper code:

(Section A)

Publishers shall not reduce the compensation for employment now in excess of the minimum wages herein set up (notwithstanding that the hours worked in such employment may be hereby reduced) and shall increase the pay for such employment by an equitable readjustment of all pay schedules; shall not use any subterfuge to frustrate the spirit and intent of this code which is, among other things, to increase employment and to shorten hours and raise wages for the shorter week to a living basis.

(Section B)

The work day shall fall within a period of nine consecutive hours and the time worked in excess of these nine hours shall be computed as overtime. Publishers shall have the option of paying no less than time and one-third for overtime or granting time off equal to the hours of overtime. The 40-hour week shall be divided into no more

than five days, except in the case of columnists and other writers of continuous features appearing daily under a by-line.

(Section 4)

Publishers may not dismiss any reporter, desk or rewrite man, photographer or artist who has worked for not less than three years on the same newspaper without giving at least one month's notice; for four years service not less than two months; for five years not less than three months; for six years not less than four months; for seven years not less than five months; for eight years and beyond not less than six months notice.

The "press" amendments to the National Industrial Recovery Act are presented by the Cleveland Editorial Employees' Association.

This association was organized "to preserve and protect the economic and vocational interests of its membership by collective bargaining and other means and to establish and enforce standards of ethics and craftsmanship among members in conformity with the National Industrial Recovery Act."

Its membership consists of 170 editorial employees of the Cleveland News and The Cleveland Press, both afternoon newspapers published in Cleveland.

The association speaks for the newspaper men and

workers of Cleveland, but in as much as the problems and the interests of editorial employees in daily news are everywhere are essentially the same, it is here considered that this association is in fact if not officially representing a case for the best interests of the craft generally. Lack of organization has kept inarticulate the disapproval which the temporary publishers' code has provoked among editorial employees throughout the nation.

The association challenges the intention of the newspaper publishers of the country, as expressed in the code promulgated by the American Newspaper Publishers' Association.

That intention, it is perfectly manifest, is to "widen back the spirit and the letter of the National Industrial Recovery Act."

The purposes of the Industrial Recovery Act, in accordance with which codes of fair competition for any trade or industry must be drawn, are explicit in the language of Title I, Section 1, of the Act, which reads in part as follows:

"It is hereby declared to be the policy of Congress to provide for the general welfare by promoting the organization of industry for the purpose of co-operative action among trade and labor groups, to induce and maintain uniformity of labor-management under adequate governmental supervision

and supervision to eliminate unfair competitive practices . . . to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing production power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to maintain productivity and to conserve natural resources.

The language of the act defining the purpose of the P. A. is simple and plain. There is not a word in defining suggested amendments to the Publishers' Code as revised for publication in the National Industrial Employees' Association stands squarely upon the Act as letter and in spirit.

The code is a rule book bristling with no entry provisions and exemptions as to make it an affront to the spirit in which this act was conceived.

The fundamental objection to the code is that it is a to-line newspaper men in a class beyond all hope of recovery. On the very face of it, the code of this code is based on the assumption that the newspaper industry was a thing apart from all other industry and that it was entitled to special privileges.

The association submits that the newspaper industry should be subjected to the same economic regulations deemed

applicable to the government of other industries so that the newspaper industry may in fact do its part in getting men back to work and in restoring the purchasing power of the country. In presenting amendments to the code, this association has ones.

That the 40-hour week principle be applied to editorial as well as to other classes of newspaper employees.

That the 40-hour week be of five days.

That the 40-hour week be guaranteed by payment of wages for overtime either in the form of time off or money.

That sections 7 and 8 of the President's 7-employment agreement be included in the code to prevent salary reductions notwithstanding reduction in hours of work.

That this code must not authenticate the open shop.

That editorial employees be protected by a minimum wage.

That a dismissal notice provision be written in the code for editorial employees.

That the code authority have representation from employees.

CONSIDERATION OF PROVISIONS IN THE OPEN SHOP ACT CODE

SECTION 4 — We propose that this section be added to read as follows:

"Shall not work any accounting, clerical, editorial, office, service or sales employees (except outside sales representatives other than editorial writers, drivers, circulation men and editors-in-chief and managing editors) in any office or department for no more than 40 hours in any one week. (These exempted employees, other than outside salesman, shall not be in excess of 10 per cent of the total number employed.)"

This section should be amended as above to guarantee the 40-hour week to editorial writers, except managing editors and editors-in-chief.

As the Publishers' temporary code now exempts editorial workers are not included in the list of newspaper employees to be granted the 40-hour working week. In excluding their editorial staffs from the 40-hour provision in their editorial staffs in their own proposed code, the publishers would violate the clear purpose of the act, wherein is defined the policy of the Congress as being:

"... to reduce and relieve unemployment"

The following reasons support our amendment:

(1) Application of the 40-hour week to editorial employees will spread employment in conformity with the

(2) There is no technological difficulty that excludes it

(3) It would place no unbearable economic burden on the publishers out of reason or out of proportion to that placed by the act upon other industries, or out of proportion to that placed by the publishers upon themselves by their own application of the act to other classes of their employees.

The N. L. R. A. means nothing if it does not provide work for a substantial number of the millions unemployed. The N. L. R. A. method of accomplishing this is to reduce the hours of labor for those regularly employed, so that those unemployed may share in the work to be done.

In its application the National Recovery Act should not exclude from the benefits of this principle any group of unemployed workers, like the thousands of editorial workers who have been forced to the streets by newspaper mergers and in consequence also of a general program of operating retrenchments in which the publishers have participated with industry generally.

Certainly there is nothing in the Recovery Act which bespeaks special Governmental solicitude for steel workers and coal miners and an indifference to the economic plight of newspaper editorial workers!

Since the publishers have admitted the principle of the forty hour week in their proposed Code, any exemption of a particular group of their employees should be supported by

a clear showing by these publishers of "unavoidable technological or economic difficulties which would make such an exemption

In the case of editorial workers this can not be demonstrated from the facts of daily newspaper editorial operation

Granting that the production of an editorial copy can not be metered, we submit that the production of news and other editorial content does not differ from the production of any other commodity in its essentials or in the meaning of the Recovery Act.

Fuller success of this act makes imperative the most possible application of the principle of reducing hours of labor without decreasing pay.

Each exemption shipped -- shiseled, if you please -- from the structure of this act will blunt its effect.

The forty hour week is not an idle vision. It is now a reality, springing from a recognized economic necessity. It is inconceivable that the daily newspaper industry should balk at the progressive liberation of its workers from long hours of labor.

Particularly, since this is an ideal for which the rank and file have so valiantly fought -- for others.

There is no shortage of labor in the newspaper industry to prevent the application of the forty hour week to all

classes of its salaried and wage-paid employees

Thousands of newspaper men -- competent men -- are out of work. They owe their plight to the fact that newspaper publishers, instead of shortening hours of work, have discharged workers, and compelled their staffs to work longer hours and bear the increased burden. It is time to reverse this anti-social trend.

We would except editors-in-chief and managing editors from the forty hour week because they are executives.

We do not except sub-editors. Their work can well be spread over a greater number of men.

Some of these, we hope, will be newly-hired editors in properly staffed daily newspapers.

Newspapers, in fact, are customarily staffed so that

Section 8. We propose that this section be amended to read as follows:

"shall not pay any employee of the class mentioned in paragraph 4 less than \$15 per week in any city of over 250,000 population or in the immediate trade area of such city, nor less than \$14.50 per week in any city of between 25,000 and 250,000 or in the immediate trade area of such city, nor less than \$14 per week in any city of between 2,500 and 25,000 population, nor in any immediate trade area of such city, nor less than \$12 per week in towns of less than

2,500 population; provided that any such earl year will receive as much as per before for the shorter day, week, or month, as herein provided, in the event that full time is worked (1/4) . . . Population for the purpose of this Code shall be determined by reference to the 1930 Federal Census."

(1/4) Matter deleted;

"except learners and apprentices, not to exceed five per cent of the total employees of any establishment, are to be paid not less than 70 per cent of the foregoing scale."

The original section contains a clause providing that apprentices may be paid not less than 70 per cent of the minimum wage. It proposes that this clause be stricken out.

It is an obvious attempt to evade the law. We have offered an amendment to section 4 specifically including editorial employees under the forty hour week provision set out in section 4, we ask protection from the apprenticeship provision in section 5 which applies to classes of employees mentioned in section 4.

It can be readily seen that to the extent that section 4 is ambiguous, referring to "representatives", who could conceivably be interpreted to be editorial employees "representing" their papers, such "representatives" being excluded in the ten day draft of section 4 from the forty hour week provision, the salary status of editorial employees is

jeopardized by the apprenticeship scale provision set out in section 5.

A special rate for apprentices would be sufficient if the minimum itself as set up in the Code offered very low wages.

The minimum being low, the strict application of this seventy per cent provision will not present any real social problem to the average publisher.

In view of the low minimum proposed in this section, we assert that still lower wages are inhuman.

This clause would allow a publisher to decide when one being paid as a reporter is the status of an apprentice and reduce his salary, unless section 7 of the President's Employment Agreement, which we are proposing as an additional section later on in this brief, were included in the Code as accepted.

In the event section 7 of the President's Employment Agreement is accepted as an additional section of this Code, publishers could hire experienced men and then as apprentices, even replacing employees whose salaries the inclusion of the P. R. A. section prevented them from reducing.

A \$15 a week man would thus accept employment for \$10, a \$17 a week man for \$12.50.

We challenge the authors of this Code to try to live or go 40 a week.

Section 7. We propose that this section be amended as follows:

"Shall not pay any employee of the establishment mentioned in section 5 except apprentices (1/4) less than 70 per cent of his hourly rate, and if his hours of work are reduced in accordance with this Code, to pay either an hourly rate or a weekly rate, whichever is the hourly rate which prevailed in the year commencing on July 11, 1933, and in no event less than 3 cents per hour, or a weekly wage not less than that which he received on July 11, 1933, for the time worked. It is agreed that the paragraph established a minimum rate of pay regardless of whether the employee is compensated on a piecework basis or on a piecework performance basis."

(1/4) Matter deleted.

"As covered in paragraph 17"

The change in this section is a matter of clarification necessitated by the amendment proposed in section 4.

It merely strikes out the reference to the clause which should be stricken out of section 5.

Section 5 relates to mechanical employees. Section 7 with reference to section 5 stricken out, could be stricken out of the Code.

With this deletion from section 7, both sections are altered in no real end in this bill.

A further amendment is suggested to be made to establish a rate for mechanical apprentices.

Section 8. To propose that this section be eliminated is really

The maximum hours fixed in the foregoing paragraph shall not apply to professional persons employed in their profession (within which class may be included persons receiving in excess of \$35 per week), persons employed as managers or personal secretary who receive more than \$75 per week, employees on emergency, maintenance, or repair work, employees in special cases where restriction of hours of highly skilled workers on continued processes, and persons only reduce production in special cases of emergency. It is provided that in any such special case at least time and one-third shall be paid for hours of work in excess of the maximum.

This section contains enough elements to enable the newspaper industry to turn itself out of the business and to try to recover by other means.

The following table suggests the effect of the proposed section:

First. Newspaper editorial employees are excluded from the act.

Second. Appointed employees are excluded from the act.

Third. The section tends to exempt all newspaper

editorial employees from the act by excluding them from the class of "employees" and "professional" employees.

Fourth. The section contains another loophole which exempts emergency cases, in which case might be placed all newspaper editorial employees.

Fifth. By excluding employees earning more than \$35 per week from the benefits of the act, the union as it is the writer did intimate against the editorial and write column for or, clearly contrary to any explicit or implied intention of the act.

The proposal to exempt newspapermen earning more than \$35 per week as the pretext that they are "professional" employees is a case that professionalism is a matter of weekly wage. It is probably the first time that anyone has suggested that a man making \$34.75 a week was not professional and that a man making \$35 a week was professional.

Should this principle be the criterion of the professional, virtually every skilled artisan in the unionized crafts would be so classified.

Even a rudimentary knowledge of the nature of newspaper editorial work or of the meaning of the word "profession" would have precluded this proposal to classify editorial employees as "professional" employees.

Webster's dictionary defines a profession as "a calling, in which one professes to have acquired some special know-

ledge, used by way either of instructing others or of serving them in some way."

The definition also differentiates between the purely commercial, mechanical, agricultural, and vocational vocations.

The word, however, has other definite implications which it has acquired through usage and the growth of civilized institutions and vocational pursuits.

In general it may be said that the so-called professions have distinguished the select from the vulgar in the following respects:

(a) Admission to the profession requires special educational qualifications which the laic man does not possess.

(b) Certain professions are recognized by law by the requirement that on entering them a fee must be paid, legal licenses to practice obtained, and that they are legal requirements as to professional conduct.

(c) Professions commonly have organized their practitioners into associations, which, generally are used to define the standards of professional conduct and require certain professional qualifications for membership.

(d) Professions commonly have a published code of ethics.

(e) Members of professions generally serve the public in their professional capacities without the aid of

an employer, charging a fee direct for personal or professional service.

The newspaper editorial vocation has none of these attributes to define it in any sense as a profession. There is no "special knowledge" newspaper men have to gain admission to the craft.

Apprentices are admitted by the publishers with little regard for any special preparatory training or education they may have had.

They have no examinations, they are not licensed and there is prescribed no regulation of their conduct toward the public for which they write.

They have no professional organization, no published code of ethics, their only obligation being to the economic and personal welfare of the publishers.

Newspaper editorial knowledge is not professional knowledge, but the same type of knowledge as that possessed by the bricklayer who has learned by practice to build a wall to stand.

Editorial workers are not professional men, but are at best article and hired hands.

This attempt of the A. M. P. A. to describe them otherwise has no other justification in fact than a knowledge that the men and women who write and edit their papers do not work with a towel.

The business of newspaper editorial work is not romanticized, and even newspaper men do not regard it as a substitute for education.

For the newspaper editor is not a professional man, but a hired hand, and his work is not a profession.

Their salaries are based on the number of columns they write for the paper, and the number of columns they write for the paper is based on the number of columns they write for the paper. The number of columns they write for the paper is based on the number of columns they write for the paper.

In any event, the attempt to write a code of ethics for newspaper editors is a futile endeavor. It is a futile endeavor because it is a futile endeavor. It is a futile endeavor because it is a futile endeavor.

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elevated to the dignity of assistant city editors?

Will the head office boy suddenly burst into the new-found glory of a title, "Director of Juvenile Personnel?"

Is it that the only persons who hold truly "managerial" positions in the news room are editors-in-chief and managing editors. He prefers, therefore, to exempt the specifically from the forty hour week, and to have dropped to the standard of section 4.

The exemption relating to persons employed in a managerial capacity is pure sociology.

Then is a person employed in an impersonal capacity? The only thing that works in an impersonal capacity in the city room of a newspaper is a typewriter.

The exemption relating to "emergency work" may be interpreted as affecting newspaper men at all times, and their work in trade is other people's emergencies. The importance and value of news is a matter of objective reality.

A newspaper editor who takes his reactions to the part all news has on his mind at quitting time is a grave emergency, thereby nullifying the forty hour week.

Because he is unorganized, therefore in event in his individuality, the white collar man as a class, and the class includes newspaper editorial workers, has been an especial victim of the deflationary era.

The burden of retrenchment has all but crushed him. Surely he, as much as any other, is entitled to the benefits to be conferred by the Recovery Act.

The \$35 a week clause in the proposed Code works him once again for economic punishment.

Section 11. We have no objections to this section. But we can see no objection to inclusion of a provision that publishers be required to abide by further decrees of the President, provided, however, that freedom of the press is guaranteed.

Section 12. We say that this section be eliminated. The best argument against this section is the language in which it is written.

We quote the section:

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"During the period of this code, publishers in the adjustment of their schedules of hours of employment, subject to existing contracts and agreements, shall be free to adjust their schedules within the maximum hours hereinbefore provided, at rates of pay not less than the minimum so provided, and no law, rule, regulation or orders, of any organization, or group of employees, shall require a publisher, in compliance with this code, to pay punitive rates for services rendered within the maximum hours of work hereinbefore specified."

This section is clearly a "trick" on Section 7 of the President's Re-employment Agreement, which is designed to prevent the Act from being used to allow extra hours of work for extraordinary services, a practice which is carried in other industries. Under this section, with Section 8 as it stands unamended the code would enable publishers to establish for editorial workers any kind of a work week at any rate of wage or salary they choose to pay. It means that experienced editorial workers now receiving more than the minimum set up in Section 8 unamended would be reduced to the minimum and worked a limited hours. It is thus that this section is an absolute contradiction to Section 7 of FRA, which we assure was officially deemed in no respect to conflict with the intent

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this section written into the code to enable the publishers to work their reporters 28 hours a day at from \$12 to \$15 a week is for them to appeal to Congress and obtain an amendment to the Julian calendar. In view of their extreme recourse to such a provision as this to evade the necessities of the Recovery Act, it is surprising that they did not seek this further mode of escape.

SECTION 14 — We propose that this section be eliminated. It reads:

"The right of employer and employee to bargain together free from interference from any third party shall not be affected by this code and nothing herein shall require any employee to join any organization or to refrain from joining any organization in order to secure or retain employment." We oppose this section because it would give the authority of the Recovery Act to authenticate any type of employer-labor relationship. The Recovery Act does not authenticate any type of employer-labor relationship.

Furthermore it is an attempt to interpret Section 7 (a) of the NIRA, as incorporated in Section 10 of this code. In this connection we quote a ruling of August 23 of Administrative Director Hugh S. Johnson and his counsel, Donald R. Richbert:

"The plain meaning of Section 7 (a) cannot be changed by any interpretation by anyone. It is the function of the

administrator and the courts to apply and to interpret the law in its administration; and no one else can assume this function, and no official interpretation can be circumscribed, affected or foreclosed by anyone writing his own interpretation into any code of agreement. Such an interpretation has no place there and cannot be permitted. The law requires in codes and agreements that employees shall have the right to organize and bargain collectively through representatives of their own choosing. This can only mean one thing, which is that employees can choose anyone they desire to represent them or they can choose to represent themselves."

The National Labor Board further ruled on September 18 in the case of the Berkeley Motion Picture of Martinsburg, W. Va., that "employees have the right to choose any one they wish as their representatives and are not limited in their choice to fellow employees."

ADDITIONAL PROVISIONS PROPOSED

SECTION 1 -- We propose that the following section be included in the code for the newspaper industry:

"Publishers shall not reduce the compensation for employment now in excess of the minimum wages herein set up (notwithstanding that the hours worked in such employment may be hereby reduced) and shall increase the pay for such employment by an equitable readjustment of all pay schedules,

shall not use any subterfuge to frustrate the spirit and intent of this code which is, among other things, to increase employment and to shorten hours and raise wages for the shorter week to a living basis."

We propose here in the above section, which is the substance of Section 7 and 8 of the President's Reciprocity Agreement, be written into the newspaper code. Unless this is done, there will be no assurance that the 40-hour week will not result in pay reductions, possibly down to the minimum in many cases. We consider it imperative that the code as finally adopted contain this positive provision which contains the essence of NIRA.

SECTION 2 -- We propose that the following section be included in the code:

"The work day shall fall within a period of nine consecutive hours, and the time worked in excess of these nine hours shall be computed as overtime. Publishers shall have the option of paying no less than time and one-third for overtime or granting time off equal to the hours of overtime. The 40-hour week shall be divided into no more than five days, except in case of columnists and other writers of special continuous features appearing daily under a by line.

We strongly urge the adoption of this section. It provides:

- (1) The 40-hour week

- (2) Compensation for overtime by time off or time and one-third in money.

- (3) A means of preventing staggering of hours.

We do not believe that the 40-hour week will ever be a reality unless it is guaranteed by both punitive overtime and the five-day week. We urge the five-day week against the six-day week of six four-and-forty-minute days because

- (a) The six-hour-and-forty-minute day will restrict newspaper production and open the door to "chiseling"

- (b) The eight-hour day is technologically more flexible, will not restrict production, will tend to hold chiseling to a minimum, and thus will accomplish better the purpose of this act -- to spread employment.

Overtime has become to be the curse of the newspaper man, whose enthusiasm has led to his exploitation. During the depression, particularly, publishers have trimmed their staffs and have compelled employees to work long hours.

If newspapermen object to working long hours in a real emergency. But to guarantee that the emergency shall be real and not an executive whim, the code should require publishers to compensate their employees for overtime either by paying them time and one-third or by giving them an equivalent of time off.

It is entirely possible to allow a reporter time off by giving him a day off when his cumulative overtime reaches eight hours.

Many of the newspaper men now unemployed will be absorbed into the industry if the overtime provision is written into the code.

The evil of overtime is known to all newspaper men. A newspaper man who comes to work at 8 A.M. and who is due to leave at 5 P.M. is frequently assigned to cover night events. His day becomes a 12 to 15 hour day. Thousands of reporters, especially those working for afternoon papers, can testify to working 70 hours a week, when no emergency existed. The simpler solution of course is to hire reporters to absorb this excess work.

The five-day week is here advocated, likewise, to guarantee that the 40-hour week shall become a fact.

In Cleveland we have had experience with both the five day week and a 40-hour week spread over six days. The five-day week has proved successful; the other has not.

The Cleveland Press reorganized its staff on the basis of five eight-hour days immediately after the publishers proposed code was announced.

The day off was distributed throughout the week among the various men in various groups. For example, two men are off each day on the copy desk, thus spreading the time over the six work days, with "swing men" filling the vacancies.

This adjustment came at a time when it was particularly difficult -- at the peak of the vacation season -- and still

it worked.

But The Cleveland News, another afternoon paper, attempted the six-day week. The schedules provide for a day of six hours and 40 minutes, plus 20 minutes for lunch. Such a day was found easily, almost inevitably stretched. It is too short to accomplish a full day's work in an editorial room. Practical difficulties developed. The day was shortened so that men on beats could not cover their assignments. A major story missed an edition because the News man was not at his post after the opposition had been covering for an hour or more.

It has been inconvenient to utilize men who must be kept until the last edition at 6.30 P.M. Those men, who work until 6.30 do not come to work until 7 A.M. This is immediately before the two major editions of the press. There is no time for these men to swing into operations then under way in other hands, and they cannot begin to work effectively until after the noon hour. This is time lost.

The result is that many men on the News are working overtime.

This situation does not screen employment. Examples:

Reporter A worked 53 hours overtime in three weeks. At this is written he has none of it back.

Reporter B worked 38 hours overtime in two weeks. He has 13 hours and 30 minutes off as full compensation.

Reporter C worked 30 hours overtime in one week covering the Cleveland Railway Company's threatened trolley strike. He received 13 hours and 30 minutes off as full compensation.

Five photographers reported an average of 12 to 15 hours a week overtime.

These illustrations could be multiplied.

Each man is supposed to hand in his overtime card.

which is tabulated so that he can be given the equivalent in time off some other time. Some men have piled up, as much as five or six days overtime already under this system. They see no hope of getting it, while sub-editors see no opportunity to grant it without upsetting the operations of the plant.

The system shows signs of turning out to be a five-day week per force, whether it is called that or not, because of the necessary daily overtime for so many of the workers. This would be the five-day week without any action, except either the men or their sub-editors being able to control working time or time off. It is an inefficient method for both the employer and the employee.

The section proposing that the working day shall fall within a period of nine consecutive hours, is designed to prevent staggering of hours. For example, employers might institute time schedules requiring several hours work in the morning, several in the afternoon and several at night, with

sleep by publishers who make them believe that their jobs are sealed. There is much too much tendency in the newspaper business now to give a man a big title and a small wage, and if this code opens the way officially for publishers to tell their men they are professional men at \$35 a week, then we say God save the future newspaper reporter.

The system is bad enough now. A new youngster comes to work. He progresses nicely, and when he deserves more salary, he usually gets a substitute in the shape of a star on the back and a by-line. It's the old story.

Gentlemen, I have had a by-line for a long time. It appears a good every day and I therefore believe am qualified to voice the observation that the worst a by-line ever does is to remind some bill collector that it is time to make another call.

Perhaps if the newspaper code eliminated the by-line it would remove the greatest of all barriers to better wages levels. Too many men have been lulled to sleep by the dangling bit right of their names on Page 1.

Recently I discussed with my own publisher, Mr. David Stern, this arbitrary \$35 cleavage between editorial laborer and the editorial right-hand man.

Mr. Stern told me that he felt that the men now called "the higher brackets" should not be subject to the maximum hour provisions of the Code.

But he also said this, and I believe it an important comment. He said, "I can't think of any good reasons for fixing that way, so I guess there is no good reason."

So, gentlemen, when a publisher confesses that he can find no reason to support a belief, you can certainly make up your mind that the belief is not much good.

The result on my paper was, that every body of the 40-hour week, excepting the sub-executives and the straw bosses. Most of them, I can assure you, would like to enjoy these same benefits. Perhaps there are a few individuals which think the big boss will live them and reward them if they proclaim that they love their work so much they would be unhappy with two days off every week. But down in their hearts, they are liars and they know it.

Now our second serious question is, what is the code as this?

We think there is not enough of it. Let us say there must be more detailed and specific language in the code. It is to cover the multitude of men to which newspaper employees are now subjected. In its present nebulous form, it cannot begin to cope with the problems which the newspaper employees are up against.

If this business were such that editorial employees, like mechanical and factory employees, could start and stop with the whistle, we would agree that the Code could be written

in a very few words. But under the circumstances peculiar to our work, we contend that any code which does justice to editorial employees, must recognize the peculiar conditions of their work; and it must specifically provide against the possibility of abuse and evasion.

Now, gentlemen, I would like to say at this point that we have great faith in the average, run-of-the-mill newspaper publisher. The greatest trouble with him is that he doesn't spend an hour or so a week in the news room, better to understand the problems of his men.

I think that if the abuse of newspaper workers were traced to its source, we would discover the publisher. It is largely through his lack of intimate knowledge of conditions

we probably would lay more direct blame upon the shoulders of the army of sub-editors and straw bosses who infect every newspaper office.

These men become chained to their desks, their outlook narrowed to the four walls of the room. They become, in time, like the slaves, and they develop the strange notion that they do the publishers a great favor by loading their men with overtime to avoid hiring a few new hands.

And so, gentlemen, when we ask you to write into this code, the suggestions I am about to leave with you, you will not only protect the newspaper men and women from the menace of so many twisted sub-editors, but you also will endow

the publishers, great and small, with the satisfaction of knowing that their workers will be safer and happier and more secure under the new rules.

Recently I talked these matters over with my own managing editor. Fortunately for us, he is a liberal of the type who never closes the office door. He expressed the opinion that the average publisher has the heart of a chain store manager.

Now that, sir, is a pretty serious indictment, and I do not fully subscribe to it. I think it will be easy to get the publishers in the right attitude toward their workers if this code will surround these workers with safeguards to protect them from the unthinking selfishness of the business men.

It is unfortunate, but now the case is true that I know of the sub-executives in a publisher's office in a rather pessimistic perspective the moment they are elevated to an editorial position.

They become like caged animals, nervous and irritable, and I know this because I once went through the tortures of a managing editorship myself. Now it is our belief that if certain of our suggestions are incorporated in the newspaper code, it probably would change the whole outlook of these men on life. It would mean that newspapers would be better and more adequately staffed. There would be sufficient men to do the work, and the most serious trouble of the sub-executives would disappear. At least he would be able to stop worrying about having too few men to do the

work.

Now, sir, the statement containing the suggestions which we hope will be incorporated in the newspaper code, has been drafted by a committee thoroughly representative of the employees of the news, the editorial, sports, photographic and art, and all the allied departments of all of the eight daily, English-language newspapers of Philadelphia and Camden.

I believe that the problems which we have touched are truly really common to newspaper workers of the United States, regardless of their places of employment.

The subject-matter of these suggestions is endorsed by a large majority of the total number of persons engaged in the editorial and allied departments of the Philadelphia and Camden newspapers.

In evidence of this statement, The National Recovery Administration will find the signature of 208 employees attached to the original brief which I shall leave with the proper officials.

At this juncture I wish to call the attention of the administrator to the fact that in this list there are signatures of employees of the Philadelphia Evening Bulletin and the Philadelphia Daily News.

I have been asked by employees of the Bulletin to say very frankly here today that they were cautioned not to sign

this brief.

During the early deliberations attendant to the preparation of these suggestions, the Bulletin employees were quietly represented. Many of their suggestions are included herein. The men were enthusiastic. The signatures were passed around the Bulletin office and many of the employees signed.

Then came a meeting of executives of the American Newspaper Publishers Association in New York. I am sure that some of our brief were taken to that meeting.

Mysteriously — or perhaps it isn't mysterious at all — the Bulletin men, the very next day, came to me and told me that "orders" had come up from "downstairs" — to "signatures".

The men were resentful of this intimidation, but they had their jobs to think of, and you can't blame them for that.

The signatures of the Bulletin men which I already mentioned were destroyed, to prevent their falling into the hands of our business enemies.

However, the men have asked me to point out these facts to you, and to make it clear to the National Recovery Administrator that the sentiment of the Bulletin employees is with their fellow members of the craft in this fight for that which we believe should be incorporated in the newspaper code.

Only yesterday, as I left Philadelphia to come here,

Bulletin man, a man long a member of the staff. I want to read a few words -- in his own language. I think it isn't because if such a method as this is to be used by me of the biggest newspapers in the United States, the collective targeting clause of the Code may as well be eliminated.

Now here is what the Bulletin man says.

"We were informed by one of our representatives that the second floor was against the boys signing and presenting any petition in Washington, as the publishers felt it would be a like a protest. We countered with the proposal that we were not doing it as a protest, although God knows we were -- that we were going it as a protest against unjust conditions in their slave-wage laws.

"A day or so later we were informed that the idea of a signed petition to present the Code Hearing was definitely out. It was estimated that it was just going to be too bad for anybody signing a petition. We were told that the publishers would hate to see anybody's name on such a document and so the Bulletin staff took it on the chin.

"I believe there is a word for this. I think it is 'intimidation'.

"Having now very definitely established the fact of employers' intimidation, let us now proceed to the display of the cards on The Bulletin's front page, and to that column box we carried for several days, saying The Bulletin had gone beyond the NLRB's requirements and was red.

but of its editorial staff to 40 hours a week.

"It happened that we were on the 40-hour week for at least a month after that, with salaries no less than 75% a week were working from 8:30 to 3:30 six days a week. There was an all-around reduction in hours -- every man got what he fought for individually, nothing else. For weeks after we were supposed to be on the 4-hour week, one man worked regularly from 8:30 A.M. until 5 and 6 P.M.

"Now the Bulletin is one of the biggest papers in the country. I have to have it each an example of, but I think some of these facts should be presented to you at the code hearing, as our representative you are at the hearing, the contents of this letter at the hearing as if you can fit it into the conclusion that it is a case of intimidation of our abuse into the light."

Now, sir, if the Administrator wishes, I shall be glad to present the original of this Bulletin man's letter, with the request, of course, that his name be kept in the strictest confidence.

The absence of 41 members of the employees of the Daily News, a tabloid paper with a small staff, is for some different reasons. About the time our brief was prepared, the staff of the News had been completely reorganized. Men who had been out of work for months were called to the

that they didn't give a whoop at the moment whether the newspapers ever had a code. So we left them to settle down.

I believe that the incidents which robbed this brief of the signatures of the Bulletin employees, indicates a strong undercurrent of opposition, on the part of publishers -- to their employees asking consideration in the newsmen code.

As late as day before yesterday another case of intimidation came to my attention.

"It so happens that I have a family of eleven children, and probably for that reason, the men and women who did me the honor of selecting me to present this message today, decided that I might need their help in providing the expenses for my trip here today. In plain words, they passed the hat, raising the magnificent sum of \$10.34.

"And I wish to say, sir, that the men who volunteered to raise a few dollars in the office of The Inquirer, were told to stop. They were told by an executive that it would be inadvisable to have anything further to do with the newspaper code hearing."

Now, if it please the Administrator, I submit that this is tantamount to coercion of the worst sort. It shows that there is not much respect in some places for section 10 of the newspaper code as tentatively approved.

And I wish to stress the fact that such incidents as this make it all the more important that the newspaper code

could give specific directions to newspaper employees. I submit, gentlemen, that under the Fair Labor Standards Act, the newspaper editorial employees of the United States are showing concerted action for the first time in history, and I want there are a few publishers who do not like it.

For most of us this is a great opportunity to brighten the future. The old tussards, like myself, cannot expect much more than we now have, but in the heat of faith our brief is submitted in hope that it may elevate the you from the low level is on which they do exist. I hope that the efforts will pave the way to standardize certain conditions and problems faced by newspaper owners and newspaper employees in the country over.

Every newspaper employee who is represented by us here today is now working under the Fair Labor Standards Act. The Bulletin, I wish to point out, has corrected the errors which were pointed out in the letter I read a moment ago. It has been my observation that there is now very little chieftain on the part of the newspaper publishers of Philadelphia although the straw bossen seem to forget easily that we are on the 40-hour week.

With one or two slight exceptions, the new union seems to be living up to the spirit of the recovery program. The exception of the efforts have a lot to do with the new, from having concerted voice. I might cite a few facts that a degree of smallness stands out here and there, but it is not a

to get around the minimum wage provisions of the temporary code now in effect.

In the case of copy boys on three Philadelphia papers, the Bulletin, the Ledger, and the Inquirer -- their status has been changed to that of "apprentice reporters," and their pay limited to \$10.50 a week instead of the \$11 they were receiving.

Now I submit, gentlemen, that if there is any such a person as "apprentice reporter," with a wage of \$10.50 a week, then the code does us no good. However, it is a seriously paid round as it is, but it strikes me that it is a low level for any kind of a reporter in this country. When the minimum wage provision of the permanent code are finally settled, we hope they will not be written to sink this low.

Now, gentlemen, before I seek to convey the message on that my own newspaper, The Record, is lily-white and 99/100 per cent pure, I want to say that when we adopted the 5-day, 40-hour week, we also inherited a plan which we are expected to furnish our own vacations and a few leaves as well.

I don't intend that the New York newspaper men want to come to contain specific provisions for vacation. I am sure of course we won't object to that.

Now for a few minutes for the benefit of our friends

Copies of our suggestions were sent several weeks ago to publishers, managers and city editors and editors-in-chief of all of our Philadelphia and Camden newspapers, and to the president and secretary of the American Newspaper Publishers Association. It's forwarded copies, as well, to many nationally known publishers. Apparently not many were pleased because the only acknowledgment we received were from secretaries to publishers who were away on vacations.

On the subject of maximum hours, covered by section 7 of our brief, we ask a basic 40-hour week of five consecutive 8-hour days -- consecutive, where practicable. We recognize that consecutive days off may not be practicable for all of the employees of newspapers which publish only 6 days a week.

In section 8, we state what we believe should be the only exception to the 40-hour, 5-day week provision.

In section 10, we ask that the newspaper code include a specific definition of the term "executive" and in section 11, we list those positions which, in our opinion, should come under the "executive" classification.

Section 12, of our brief, points out that the jobs in a newspaper organization which are usually called "editorial" titles. It lists radio editors, motion picture editors, to-the-lev-ers editors, and a host of others. Some of these are usually without the slightest executive authority nevertheless, since they are called editors, it seems to be the

from the benefits of the Code.

In Sections 13 and 14, we ask the National Recovery Administrator to build a safeguard against staggering hours.

An example of the evil possible in the event this precaution is not taken is cited in the conduct of some news departments, in which the 8-hour day, while existing in theory, is defeated in practice through the requirement which brings men to work at 1:30 P. M. and which keeps them available until 12 o'clock midnight by allowing a theoretical two-and-a-half hour dinner period from 8 P. M. to 8:30 P. M. Such a practice is a practice which defeats the spirit of the President's re-employment agreement by working employees 9 hours a day under the guise of 8.

Actually the men so engaged are rarely, if ever, free before 7 P. M. and usually are expected to cover night assignments requiring their presence at 8 P. M.

We ask in section 15 that the newspaper code, with certain exceptions which we cite, provide that the 8-hour day be confined within a period of nine consecutive hours.

If a newspaper code does not take the precaution to limit the consecutive hours involved in the 8-hour day as a protection to the spirit and intent of the President's agreement to create re-employment work hours, it is staggered as to obviate completely the need for the employment of additional men by requiring present employees to be on duty only during such broken periods of the day

or night when pressure and demand are greatest.

In section 16 we recognize the conditions peculiar to newspaper work which from time to time require that employees in the several departments must face long and grueling periods of continuous duty. It is our belief that the newspaper code should take full cognizance of such fact, and should contain a clause fully protecting publishers against any circumstances of peculiar nature requiring the continued duty of newspaper employees beyond the maximum 8-hour day or 40-hour week which it is hoped the newspaper code will provide.

(b) Frequently there are occasions on which newspaper workers must be on duty continuously, day and night, and often for extended periods. We accept this fact without objection.

Section 17 points out that any newspaper code which fails to recognize such a condition and to provide for it would do irreparable, would stifle enterprise, destroy initiative, and defeat the efforts of newspapers properly and intelligently to present the news.

In section 18, we urge that the newspaper code should contain specific provisions to permit temporary abrogation of maximum hour requirements under any circumstances, which, in the opinion of the executive in charge, requires continuous duty of any newspaper employee beyond the normal maximum hour requirements of the code.

Section 19 points out that there must be, in our opinion, a definite safeguard against possible abuse, in the form of a clause which would require that any person so engaged beyond the maximum hour requirements of the code be given immediately, upon the completion of such emergency extra duty, time off, without loss of pay, equal in period to the extra hours of duty in such emergency work.

For the success of this safeguard it should be stated that the requirement that such time off be given immediately following completion of such extra work be interpreted reasonably to prevent the traditional time-shifting to such free periods indefinitely and thereby defeat the intention of this clause.

In Sections 20 and 21 we have provided again for the peace and comfort of our publishers by recommending, in conjunction with the request that time off be given immediately following overtime, that whole organizations might be disrupted if there were put into effect a literal interpretation of the "immediate time off" provision, following extended periods of continuous duty involving numbers of men.

(b) In order to guard against this, therefore, it is our opinion that specific provision should be made in the code to require that the publisher or his executive in charge be the sole judge; to decide in such cases whether he

prefers to permit the employee to take time off immediately or, to substitute in lieu thereof, the payment of a sum of money for the extra services equal to one-and-a-half times

the prevailing rate of pay of the employees involved.

You will find, sir, that section 22 of our brief suggests a method for the normal day to day fluctuations in working time. We have no intention of quibbling over minutes.

In section 23 we would leave it up to the executives to decide the necessity for overtime; and in section 24 we suggest a method for overtime computations.

Sections 25 and 26 of our brief cover the computation, as we would like it, of work-time for out of town duties. This, we submit, is an important section, and much more would be eliminated if it were written into the Code together with its relative sections, Nos. 26, 27, and 28. These specifically define out of town duty and point out what we believe should be the exceptions to the provisions.

The question of wages we have dispensed with briefly in section 30, which I shall read:

"On the question of wage provisions incorporated in the newspaper Code it is the consensus of those whose signatures are hereto attached that the matter should be left solely to the judgment of the President, the National Recovery Administrator, and the newspaper publishers, with due regard for that part of Section 7 of the President's Reemployment Agreement which reads:

"and to increase the pay for such an employee by an equitable readjustment of all pay schedules."

"We feel that the provisions of section 7 when honestly

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applied, will take care of the problem of the newspaper employee who has suffered the absence of normal wage increase advantages, because of the depression, and that it will bring about, as soon as feasible, the restoration of pay reductions made during the recent period of stress."

I may say, in addition, that many of us feel that if any man is fit to handle news, or to gather news and write it, or to take pictures for a newspaper, he is deserving of at least \$25 a week almost at the outset.

And if he isn't worth \$35 at the end of a year he is simply taking up good space that should belong to someone else.

In section 31 we point out what we believe will be the benefits in keeping with the spirit of the National Recovery program, if our suggestions are incorporated in the newspaper Code.

In section 32 we ask for a safeguard again similar to that contained in section 7 of the President's Reemployment Agreement.

This would prevent the reduction of compensation now in excess of the minimum.

In sections 33 and 34, we ask a safeguard against the possibility of reduced wages, should an employer decide to evade the spirit of the N. R. A. by resorting to piece rate payments instead of salary.

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In section 35 we have listed what we believe to be a proper minimum compensation for the thousands of newspaper correspondents who are not now provided for in the tentative Code.

In section 36 we ask that the employees of press associations be classified and recognized as editorial employees.

In section 37 we have bowed to the publishers in their demand for the protection of their so-called Constitutional rights, although we feel generally that their fears in this respect are hokus-pokus.

We see no threat in the N. R. A. against a free press although newspaper publishers apparently have learned to use it as an excuse to evade other obligations.

In conclusion, sir, I wish to call attention to the last paragraph of our brief. It asks that the newspaper Code include a provision to insure a minimum living wage for newspaper writers who are compensated on a piece rate basis, and to safeguard their welfare and their maximum hours of employment, with as much protection as though they were in the salaried group.

On behalf of the newspaper men and women of Philadelphia and Camden, I thank you, sir, for your attention and patience, and it gives me pleasure to present our formal brief with the signatures of 208 newspaper writers attached.

I thank you.

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Deputy Rogers: Are there other witnesses representing the Association of Editorial Workers?

Mr. Hanson: I want to speak on this provision at the proper time.

Deputy Rogers: On the testimony of the witnesses we have just heard?

Mr. Hanson: Yes.

Deputy Rogers: Mr. William H. Reid, the President of the National Newspaper Association?

Mr. Hanson: Mr. Reid was one of the witnesses.

Mr. Reid: I was not present at the hearing. I did not know to be reached. I am in opposition to the Code.

Deputy Rogers: I finished just before recess. Mr. Hanson, with your witnesses, and then because I received from the Child Labor Group to get away, I put them on, and then because of requests from representatives of the Editorial Association, I put them on. Now I am going back to the regular order.

Mr. Hanson: May I say that I submitted my statement to the Code because the Association has no representative in the Code, so that if anything were done which he wanted to testify, he would have no voice in the Code. He said he had nothing to say in support of the Code.

Deputy Rogers: I suppose that would also be Mr. William H. Witt of Del-Mar, Virginia.

Mr. Hanson: That is right.

Deputy Rogers: And Mr. James F. Welman, of the Southern Newspaper Publishers' Association?

Mr. Hanson: Yes.

Deputy Rogers: And Harry W. Webster, of the California Newspaper Publishers' Association?

Mr. Hanson: That is right.

Deputy Rogers: Will you make your statement now?

THE STATEMENT OF ELYSHA HANSON

Mr. Hanson: I do not know whether being a reporter and having turned lawyer it is proper for me to go on and speak on the objections which my former brethren have made to this Code.

Presumably the number of them and the variety of the opinions which they have expressed will help to indicate the difficulties which confronted the Committee of the Publishers when they were trying to write the Code.

Let me assure them that as far as the association classifying them as professional persons, those newspaper publishers who draw more than \$35 a week, are concerned, that is all of our listing any more than theirs. In fact, as far as it was asked during the progress of our negotiations, there was

ruling by the NLRB that all reporters were not professionals.

Deputy Rogers: That was not a ruling.

Mr. Hanson: Well, an interpretation or whatever it might be.

In other words, we want to assure these people of things; we are not trying specifically to classify them or press them down. We welcome to a consideration which they have made here today, and, in fact, I am authorized to say in behalf of the Association that we regard paragraph 10 of our Code, which is the section of the law authorizing and legalizing collective bargaining, as the section which they can avail themselves of at any time they want.

I further want to say, in behalf of the Association, that there has been no effort made at any time by any group or any individual reporter to have ideas about this situation different from those expressed in the Code.

I think that that is clearly indicated, if you should go over the list of witnesses who appeared here today, one of whom comes from the paper, the business manager or general manager of which, is the President of our Association.

We welcome this effort on the part of reporters to lay their problems before us, and if they will avail themselves of the mandatory provision of this law for collective bargaining, I am sure that the profession will be glad to

down and discuss the situation with them

Deputy Rogers: But your Section 14, "the right of the employer and employee to bargain together free from interference shall not be affected by this Code."

Mr. Hanson: Free from interference by an outside party, sir.

Deputy Rogers: Yes, but the Guild —

Mr. Hanson: If the Guild is elected by a group of employees in any place, that is not an interference by an outside party. That is our interpretation of that section.

Any man who is designated or any group of men which is designated to represent them in negotiations are the duly authorized representatives.

As I say, we think they have the right to come in and discuss these problems with the individual publishers. But we do not think that it is possible in a week or two at least in the weeks we have spent on it to take any individual department of the newspaper and say that that particular department should have a representative on the Code Authority, particularly when one of these gentlemen who appeared here today classified his department as one of three, editorial, mechanical and clerical, leaving out two of the most important, the circulation and advertising departments.

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I also want to say further that there seems to be a little bit of disagreement among these people. Some of them called themselves draftsmen, while Mr. Hill said he belonged to a profession, a life-time vocation, as I understood his words. I understood him incorrectly about that.

I do want to clear up the impression Mr. Brown left with you that I think Section 14 has nothing to do with the Constitution of the United States. I do not think that has anything to do with paragraph 11 which is a Constitutional reservation, which is just merely in there that it somebody not an employee or a worker. It is for those that he can not come and take part in business. He can not be elected as a representative of a group of employees or that group of employees. It is not by the publisher. (Applause)

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Most of the newspapers which are represented in Washington by staff reporters are represented by the men who whom writers have a secretary.

To exempt these reporters from the protection of the newspaper Code on the ground that they are executives would be grossly unfair.

They are "leg men" and "leg women" in the most definite and positive sense of the term — more so, in many instances, than the members of the local unions.

Not only are they required to run constantly to the various Governmental departments to cover Washington angles on local stories, but they must also write stories of general interest.

It is difficult to think of a class of people who need the protection of a Code.

I believe that Washington staff reporters who are protected by the Code should have a five day week. If their newspapers desire to have coverage on the correspondent's day off it would be a very simple matter to arrange for another reporter to furnish it.

This would conform precisely to the central purpose of the recovery program, namely, to increase purchasing power. I am not prepared to say that the five day week should be limited to forty hours for Washington correspondents. The

Mr. Rogers
Mr. Anderson
Mr. Anderson

Deputy Rogers: Mr. Paul Y. Anderson, representing the Washington Correspondents.

STATE EXT OF MR. PAUL Y. ANDERSON

ON BEHALF OF THE WASHINGTON CORRESPONDENTS

Mr. Anderson: Mr. Deputy Administrator --

Deputy Rogers: The question is asked, How many correspondents?

The act provides that witnesses representing a substantial interest have an opportunity to be heard. You need not state it numerically; you can just say that you represent a substantial interest.

Mr. Anderson: Mr. Administrator, my name is Paul Y. Anderson, and I am a member of the Washington staff of the St. Louis Post Dispatch.

I represent no organization here, but I have been requested directly by a large number of individual Washington correspondents to present certain facts which are peculiar to their situation.

I believe that my statement of these facts would be concurred in by an overwhelming majority of the Washington correspondents, of whom there are approximately four hundred. I think I should remark in passing that I have no selfish interest in this matter, because I am under a long term contract, and hence would not be affected by the action of any Code which might be passed.

work so frequently is of an emergency nature that I am inclined to believe we should have a very flexible day.

Personally, I would resent it very deeply if I were compelled to leave the press table here before I had finished covering the story, by the fact that under the new day working they had ended.

That feeling is shared by practically every one of the men and women sitting at those tables.

The problem might be worked out, indeed, in the case of the New York Times Bureau I understand that it has been worked out, by allowing the reporters to accumulate overtime, and permitting them to take a vacation when the accumulated overtime added up to a week.

Not many of us would object to that arrangement.

As a matter of fact, for reporters covering a story which involves so much nervous excitement as this one, the Recovery program does, an occasional weekly vacation is desirable from the mere standpoint of preserving their health. Washington correspondents employed by individual newspapers are being confronted at this moment with perhaps the most threatening development which has ever menaced their livelihoods, and I certainly consider it a proper subject for consideration during the preparation of a newspaper Code.

A large press association has recently imported a large

staff of reporters, many of them young men in the lower skilled category, and through them are offering to furnish subscribing newspapers with special local and regional coverage, at an extremely low rate.

If this is not stopped it is sure to result in a high mortality among the better compensated correspondents representing individual newspapers, and their practical replacement by men working at lower salaries. Let me cite a particular instance.

There is a considerable group of correspondents here who represent what we call "strangers" of small papers.

From each of these papers they receive anywhere from \$5 to \$30 a week.

Some of them are among the most highly compensated reporters in Washington.

Up to last week one of them represented, among others, two small newspapers in Delaware, from each of which he received \$10 a week.

Last week he lost both of those papers, and \$20 a week income, when the press association offered them a new service at \$3 a week.

Since I wrote that, another man in the same class has given me a memorandum in which he says that since this service was started, he and the large staff of men who worked for him had lost ten papers in New Jersey, three in

Virginia, six in Pennsylvania and twelve in the State of New York, and that man will have to discharge some of his reporters.

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Moreover, certain vital public interests are involved in this situation. In the first place, it is a tendency toward monopolistic control of the news from Washington. In addition, it is a tendency toward the establishment of an official or semi-official government news service, of the character which have been so disastrous to journalism in Europe. It would remove from Washington what is perhaps the most powerful preventive of corruption, namely, the reporting by men and women who know they have nothing to fear from the government and nothing to gain by carrying official favor. Thus, it involves that precious thing which is about which reporters and publishers alike are so profoundly concerned at the present time — freedom of the press.

Finally, it is difficult to imagine a more unfair method of competition, and if I understand the Act it was designed to end unfair competition. I believe this danger can be met to a substantial degree — although perhaps not to the extent desirable — by making the working week for Washington reporters sufficiently short, and a minimum wage sufficiently high, that this particular form of exploitation will be made so difficult and unprofitable that it will be abandoned.

It has been reported that one or more of the press associations will contend that they are not subject to the regulations.

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action on the code, on the ground that they are not commercial organizations. I do not anticipate that such a contention would receive serious consideration here. Although it is true that some of them do not actually pay dividends to the central agencies established and they are not of newspapers to gather and run by them with one exception is simply one of the facilities which employs in its business. It certainly is true that a newspaper is not a commercial enterprise. The effect competition between the rival press associations is extraordinarily severe, especially in Washington and other large cities, and in addition, the Washington Bureau of the press associations are in direct competition with the bureau maintained by individual newspapers. We believe the code should contain provisions for keeping that competition on a fair basis.

In conclusion, permit me to add that I know of no class of workers who need the protection of a code more than reporters. For one thing, they need to be protected against their own enthusiasms. They are extremely individualistic and notoriously incapable of concerted action for their own protection. That is one reason why a bright young college graduate, equipped to write and expected to write about virtually every phase of our complicated economic civilization, often is getting less pay than the man in overalls doing the

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whose duty consists in spreading ink on a roller. It would be all very well for a reporter to insist that he be permitted to stick on a story night and day because he considers it his particular baby; but because he and two or three others are doing that very thing, somewhere — probably not far away — an equally good reporter is wandering the pavements in a futile search for work. They have demonstrated thoroughly their utter incapacity to look for themselves, and now, since we have a government that is really trying to block out for the citizens, I take the liberty of insisting that reporters and other members of newspaper editorial staffs should not be excluded.

I have nothing further to say; but I will endeavor to answer questions if you desire to ask any.

(Applause)

Deputy Rogers: Mr. Frank Morrison

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STATEMENT OF FRANK MORRISON,

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Secretary, American Federation of Labor.

Mr. Morrison. Newspaper publishers contend that persons employed by newspapers in the gathering, the writing or the editing of newspapers must necessarily possess a higher degree of education.

In view of the contention of these publishers that persons employed or engaged in the gathering, the writing or the editing of news are journalists or professional men or women and must work under conditions which entitle them to a high standard of living, we believe that those so employed should receive a weekly salary in keeping with the requirements exacted of them.

Despite the higher degree of education required and the higher standards of living expected of those engaged in the gathering, the writing or the editing of newspapers those so engaged on the average receive weekly salaries far below the wages paid to the skilled workers employed in the production of the same publications.

We believe that such inconsistency should be corrected. We believe that those employed in the gathering, the writing or the editing of news should receive a minimum weekly salary in keeping with the services which they render and the costs of living exacted of them in keeping with the work which they perform.

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There is no more influential or more important body in our country than those who gather, write or edit the news. The public look to them for unbiased reports of the doings of our everyday life. We expect them to be capable and fair. In order that these men and women may be able to live in decency and comfort it is essential that they receive a minimum weekly salary which will permit of their maintaining such a standard of living. It is therefore our contention and belief that a minimum weekly salary should be set in this code for those employed by newspapers in the gathering, the writing or the editing of news.

At the present time we are concerned chiefly with securing for the men and women employed in the gathering, the writing or editing of news a minimum weekly wage of which they are deserving.

Therefore, the American Federation of Labor offers the following amendments to the proposed code for newspapers:

In paragraph 8 strike out the words "Reporters receiving in excess of \$55.00 per week", and in the same paragraph strike out "\$55.00" and insert "\$75.00", and insert the following as paragraph 8-a:

"Those employed in the gathering, the writing or the editing of news shall receive a minimum weekly salary of not less than the wages paid to the highest class of skilled mechanics employed in the production of the same news publication, and

same hours averaged over a period of six months as provided for skilled mechanics." (applause).

Deputy Rogers. Does the American Federation of Labor represent any group of editorial employees?

Mr. Morrison. News writers.

Deputy Rogers. What are the names of the organizations?

Mr. Morrison. News Writers Unions.

Deputy Rogers. How many of them are there?

Mr. Morrison. We have at the present time five, in Seattle, Boston, Portland and Milwaukee. There are five of those at the present time, but a number of years ago we had a great number of news writers unions. That I mean by a great number is that we probably had 20 to 30 unions.

STATEMENT OF FRED W. KOCH.

Mr. Koch. Mr. Administrator, my name is Fred W. Koch.

I represent the Commercial Newspaper Printers Association of New York, as follows:

Apex Newsprint Publisher Corp., 4803 Fourth Avenue, Brooklyn, N. Y.

The Hogeboom Co., Inc., 444 Pearl Street, New York City.

Union Newspaper Press, Inc., 500 Varick Street, New York City.

Pentagon Printing Co., Inc., 115 Leonard Street, New York City.

New Jersey Press, 125 Mulberry Street, Newark, N.J.

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The Nicholas Press, 130 Suffolk Street, Brooklyn, N.Y.

Lightning Typographical Craftsmen, Inc., 2409, 26th Street, Brooklyn, N.Y.

The Banner Press, 1435 Eastern Parkway, Brooklyn, N.Y.

Commercial Letter Co., Inc., 555 Valley Brook Avenue, Lynbrook, N.Y.

Mattis Press, 75 Bloomfield Ave., Newark, N.J.

be specialized in commercial newspaper and newsprint work, and located at 461 Eighth Avenue, New York N. Y.

This lists 10 out of 15 that specialize in this work.

Mr. Administrator, we desire to call your attention to the following sources of unfair competition:

It has been the custom of several large daily newspapers in this city and of smaller community newspaper plants as well, to take orders of circulars from department stores and other mercantile concerns, at prices far beneath the normal cost of production of such work.

This source of competition makes an unfair sale of production that justifiably should come to our plants in excess of \$1,000,000 a year. This practice is indulged in by the newspapers as a direct evasion of application of legitimate advertising rates as agreed between members of the Newspaper Publishers Association, and as private plants they should be restrained from doing this commercial work.

They are enabled to do this because the advertisements

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appear in their papers and they run "circulars" from plates already cast, running these jobs during idle time of their presses. In this way they save all of the composition, some typesetting and all press costs, selling the circulars to the customer at approximately the cost of white paper, without any consideration for investment, maintenance, overhead or depreciation.

This condition bars all competition, gives little or no compensation to the men performing the work and deprives employed men of the chance for earning several dollars of wages in printing plants of this city.

Deputy Rogers. George Kimm Mann.

Mr. Mann. We are satisfied with the evidence that is already in.

Deputy Rogers. Harry Van Horn.

STATEMENT OF HARRY VAN HORN.

President, National Association of Better Business Bureaus.

Mr. Van Horn. My name is Harry Van Horn.

It is a rare treat in my six years' experience as an honorary consultant on unfair advertising and selling on the N.B.B.B. staff here in Washington to find an industry, such as that of the American Newspaper Publishers, wherein there are no unfair practices which apparently need to be mentioned in a code recommended by the industry.

In my years of practical experience in operating a Business Bureau and doing everything possible to encourage or untruce advertising which lessens the return of the expenditures for advertising through decreasing return in the printed word, my newspaper friends have told me time and time again that the only thing a newspaper has to sell is space.

In other words, the newspaper publishing business is an industry which sells as its product white space, just as a shoe manufacturer sells shoes or a furniture manufacturer sells furniture and members of the retail trade sell merchandise. The shoe manufacturer, the furniture builder, and the retailer have all written into their codes certain paragraphs on fair practice so that the shoes and the furniture will be fairly and honestly labeled, with the result that fair competition will exist in the sale of their products and the consumer or purchaser of shoes or furniture will not be mistreated. The retailer has spent months preparing advertising and selling mentions of the retail code which prohibits advertising which is inaccurate in any material particular or which misrepresents merchandise, its use, trade mark, grade, quality, quantity, size, origin, material, content, preparation, etc. The retailer is forbidden to misrepresent his credit terms, values, policies, or service in any advertising. The retailer is also forbidden to use advertising and/or selling methods which tend

to deceive or mislead the customer. Retailers are forbidden to use "advertising which refers inaccurately in any material particular to any competitor or his merchandise, prices, values, credit terms, policies or service." Another paragraph in the retail code prohibits "advertising which lays claim to a policy or continued practice of generally underpricing competitors."

I believe that if those who purchase advertising space labeled these various practices as bad advertising and told them, that they are not only bad for those who purchase advertising, but might well be recognized as bad by the advertiser which sells advertising just as the shoe manufacturer recognizes and prohibits certain practices which are bad for his product.

Many of the leading newspapers of the United States have long since recognized their responsibility for the quality of the printed word which appears on the white space which they have to sell. Many of the leading newspapers of the country have done an outstanding and excellent job in refusing to accept advertising which they know to be bad. These leaders in the newspaper publishing business have been in competition with other publishers who do not have such high ideals for the advertising appearing in the white space which they have to sell. I have known of many cases where one newspaper would refuse the copy on the ground that it was not the kind of

advertising that they cared to publish in their columns and have the readers see, and have known other newspapers to accept that same copy, and of course benefit from the money received for it. As I see it, this certainly is a form of unfair competition and is unjust to the newspaper publisher who has an interest in the quality of advertising as good as he has in quantity.

I am not an advocate of the theory that all publishers should set up strict censorship for all advertising. I know that in many cases such a procedure is impractical and would tend to work a hardship on the publisher.

I know that many newspapers do not have the facilities to investigate and determine in a fair manner the accuracy or truthfulness or honesty of the advertising which is offered to them for publication. I do believe, however, that there is a practical compromise which can be made, and I therefore want to offer the suggestion to you, Mr. Deputy Administrator, and to the Newspaper Publishers, that some thought and consideration be given to the proposal that a paragraph be made a part of your proposed code to the effect that it shall be an unfair practice for any newspaper publisher to accept advertising which, to his knowledge, is in violation of advertising sections of any existing codes. If some such paragraph could be inserted, it is my opinion that it would do more to increase the value of advertising, after it had been fairly and

practically administered, than any other single activity of the newspaper and advertising fraternity.

I see the impracticability of newspaper publishers trying to keep track of what is in codes and what is not. Where a publisher has knowledge or reasonable proof that the advertising copy is in violation of a code, he should refuse it.

I heard the statement made this morning, repeatedly made, that the present State and Federal laws were wholly adequate to regulate unfair advertising.

I spent seven years after that, and that statement is untrue, and I could prove that to your satisfaction if we had time to go into that.

Deputy Rogers. T. D. Campbell of the Bureau of Food and Agriculture, Department of Agriculture.

(No response.)

Deputy Rogers. Mr. A. T. Halpin.

STATEMENT OF MR. ALFRED L. HALPIN,

International Trade Composition Association.

Mr. Halpin. My name is A. T. Halpin, representing the International Trade Composition Association, and supply service selling typesetting material to printers, publishers and advertisers.

Mr. Administrator, there being no section or clause in the Code of Fair Competition for the American Newspaper Publishers

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Industry relating to Fair Trade Practices, we wish to bring to your attention and for the benefit of the record, that many members of the Typesetting Industry have been very materially affected by the unfair competition of many other newspapers in furnishing this service for below the market value established by firms offering this service exclusively.

Therefore, we suggest that such a clause be included in this Code of Fair Competition which shall remove this unfair practice.

STATEMENT OF JOHN R. FAHEY.

Mr. Fahey. My name is John R. Fahey.

Mr. Administrator, I am a publisher of the Vocator Evening Post. I speak for myself only and not as a representative of any organization.

I desire to take exception to some of the provisions of this code, and secondly to call attention to some of the inconsistencies with the purpose of the National Recovery Act.

In the first place it seems to me that the references in this code as submitted by the Publishers Association to constitutional limitations and freedom of the press are entirely superfluous and wholly unnecessary.

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These codes, all of them, were made to do with business practices, with employment and with wages.

The newspaper code has to do almost entirely with business practices. It does not involve editorial or news policies of daily newspapers.

More than that, it seems to me quite gratuitous to suggest even by inference that the National Recovery Administration would be so erring in judgment as to undertake to control or take advantage of any feature of the Recovery Act to control editorial and news expression on the part of newspapers.

I see no reason why this industry, any more than any other industry, should insert in its code these wholly unnecessary references to constitutional rights.

Secondly, I wish to be recorded as being in hearty sympathy with the suggestions of the National Child Labor Committee. It may be that some of their suggestions call for modification. For example, it may be that the question of extras, issued without notice, needs to be taken into consideration in making proper adjustments, but aside from that, I see no reason why the newspapers should be set apart from all other industries so far as the child labor provisions of the Recovery Act are concerned.

Fundamentally, it seems to me that the Publishers Association is making a very grave mistake in not recognizing that the Recovery Act contemplates not merely an effort to

bring about greater employment but to remove from industry as a whole unfair competitive methods and unfair trade practices.

I have always known that the newspaper business was one of the most ultrastatic in the country, but I have never been able to agree with the view of some of my publisher associates that it was 100 per cent pure.

Indeed, although I have some familiarity with different types of industries, I go so far as to say that I know of none characterized by more unfair or unjust competitive practices than the newspaper publishing business.

Now, obviously, as in other industries, this industry can not very well carry the burden of increased operating expenses unless the price of its product is greater to consumer or it is able to remove some of the wasteful and unfair practices which characterize its present business methods.

It is idle to attempt to raise wages if the industry involved can not make profits. If no profits accrue the result must be a decline in employment. Consequently, this industry to maintain its position, must be in a healthy condition, and I, for one, would contend that it is not possible to bring that about unless we courageously attack the evils which afflict this business as it is today conducted and has been conducted for many years.

Now, the periodical publishers and the National Editorial

Association recognize the facts so far as their interests are concerned, and, as I have said before, I see no reason why the newspaper publishing industry should set itself apart in the whole scheme of national industry, as one that has nothing to suggest as to the improvement of conditions in its particular business.

For example, every newspaper in the country, so far as I know, issues a public rate card. It is supposed that that rate card is adhered to and that there is no relaxation of its terms and no discrimination between one class of advertisers and another in accordance with the published rates. That certainly ought to be on the least out every one in this business knows that it is not.

There are cities in which the code of ethics maintained by publishers is on the highest possible plane but we can hardly be honest with ourselves if we maintain that that is the case in the industry as a whole for it certainly is not.

I will contend, Mr. Administrator, that the published rate cards of newspapers should be maintained by those newspapers as well as periodicals and magazines.

That secret rebates, secret discounts and unfair discriminations of all kinds should be eliminated from this business, and that they should be included in any code of fair competition.

Now only secret rebates, but unwarranted and unfair credits, which are employed by some newspapers in competition

with others for the purpose of gaining a large part or share of the business.

That method is not only unfair to competitors, but it is unfair to competing advertisers who pay their bills and help to sustain the industry, while others are carried, in some instances, three, four and five months and oftentimes go into bankruptcy at the end and fail to pay for their advertising at all.

There are other types of discounts and rebates which are prevalent in this business and which certainly ought to be taken into consideration in any code dealing with the problem of unfair competition. I refer to such things as extraordinary and extravagant discounts and payments by a set date in the month which are enforced in some cases and not enforced in others. To so-called early copy discounts which are utilized in the same way for unfair competitive methods.

Then, there is another affliction which is not uncommon in this business and that is run-over advertising on the flimsiest kind of excuses.

There is another practice we all know is common all over the country to make a contract with an advertiser for the use of a certain amount of space earning a low rate which it is perfectly well known he will not use, and that contract is not enforced against him while other competing advertisers are held to the terms of their contracts.

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Reference has been made here to free reading matter. Every publisher in the United States knows that it is one of the worst abuses which afflict this business. It has been suggested that there is a law which covers it. No such law ever has been enforced but it is time, certainly, that that practice was taken up in any kind of an intelligent code and regulations made for its control and for its complete elimination.

If the free reading matter, which is so frequently given away as a consideration of advertising contracts, was marked as advertising, as suggested by the law, there would be very little of it appearing in the columns of daily newspapers in the guise of alleged news.

Another method of unfair competition which has gone to extremes in recent years is that of a so-called merchandising service, under which newspapers not only furnish information concerning markets and circulation distribution, but in some instances go so far as actually to engage in the sale of merchandise through the work of their advertising. Certainly any intelligent Code of Fair Competition ought to set forth the limitation on merchandising services.

This business, in common with many others, has also suffered in recent years from the effect of mergers and tendencies towards monopoly which not only represent unfair competition methods and have exaggerated unemployment, but

likewise are distinctly contrary to the public interest.

I refer to the combination and merger of newspapers which has been going on at a rapid rate in the country, particularly during the last twenty years, as a result of which you have today some 125 cities or more in this country where absolute monopolies have been established, and many others where morning and evening newspapers have been put together and advertisers obliged to advertise in both whether they wished to or not.

I should like to point out that under those conditions you find the situation where advertising is set for one of these newspapers, is transferred intact to the other, where the publisher collects a second time so far as the advertising is concerned, almost entirely free from any labor costs whatever.

Now, one of the things that the Recovery Act has attempted to do has been to equalize labor costs. We all know what has happened in the Cotton Textile Industry, and yet here we have an industry where the variation of labor costs under such conditions as those which I have described finds no equal in any industry of which I have knowledge.

It is not only unfair from the employment standpoint but it is absolutely unfair from the competitive standpoint.

Aside from the weaknesses and tendencies which have developed in connection with the handling of advertising

in newspapers, corresponding weaknesses have been common in this business, so far as circulation and the distribution of newspapers is concerned, for many years.

A reference has been made by some of those speaking on the question of child labor/conditions of employment of young boys on the streets. We all know that it is common in our great metropolitan centers, and, not only that, but that in many, for long years past, there has been developing a system under which grown men, who are said to be in control of certain corners, are paid good bonuses by newspapers for the purpose of forcing the sale and inflating the figures of circulation, and who have under their control in those areas younger boys and men who are not in business for themselves, who do not get the profit on the sale of those newspapers, but are paid meager salaries for the work which they do. Those youngsters are wholly unable in the controlled areas to enter upon any independent sale of newspapers on their own account because of the conditions that exist.

In addition to that, we know perfectly well that in the newspaper business, as well as in the periodical and magazine business, the method of paying for alleged representation on news stands, and extra bonuses, all of which have an indirect effect of forcing circulation figures which are not real, is a common practice and an unfair practice and an extravagant and a waste of money which ought to be eliminated and devoted

to better purposes so far as the economic health of this business is concerned.

Another thing to which reference has been made in the discussion here today, is the unfair and wasteful practice of using premiums, prizes, voting contests, and all kinds of devices for the forcing of circulation figures which represent no real substantial reader demand, which is the basis of sound newspaper publishing.

Finally, Mr. Administrator, it seems to me that consistent with the purpose of this Act, which are perfectly plainly set forth in the Act itself, it is idle for the newspaper publishers of this country to insist that they are entirely free from the kind of discreditable and disrupting tactics and competitive conditions which have affected every industry in the United States and which have been a large contributing factor in bringing about our difficulties of the last three years.

We, who undertake to lead public opinion, we who print column after column of editorials with reference to monopolistic practices and the danger to the public interest, we who have critical things to say about the defects of other industries are the very last to ourselves to undertake to make an exception of our industry. (Applause)

Deputy Rogers: Miss Lucy R. Mason, National Consumers League

Miss Maud Younger: Miss Mason is not here. I am Miss Maud Younger, of the National Woman's Party.

Deputy Rogers: Miss Maud Younger, National Woman's Party.

STATEMENT OF MISS MAUD YOUNGER,

National Woman's Party

Miss Younger: Mr. Administrator, I also to speak to the sections which deal with hours of labor and to urge that that all such regulations apply to men and women alike, that they be based upon the nature of the work and not upon the sex of the worker; that if the work be of different nature as pointed out in one code, that the difference be specified, and the wage based thereon; that if the work be the same, that one minimum be established for all and let whoever can, man or woman, earn more.

We realize that a lower wage for women may at times seem an advantage in that it gives them an opportunity to underbid men for the job, just as minimum wage laws for women allow men to underbid women, and result in the replacement of women by men and boys. However we urge that neither sex be handicapped, but that equal opportunity be given to all by basing hours and wages upon the labor performed and not upon the worker's sex.

Some industries under consideration have been operating

under temporary codes with discriminations against women as to wages, and code providing 40 cents an hour for men and 35 cents for boys of 16 and women. Many other industries aside from printing after setting forth the discrimination were against women have added a little clause: "This is not a discrimination against women for where a woman does a man's work she will receive the man's pay." Is anyone really believe that? Is not that a discrimination? If course it is, for the man who does what a woman does or a woman who does what a man does does not receive the woman's pay. Whatever work he does he gets the higher pay because of his sex, not because of his work.

This can be easily adjusted when called to the attention of other industries, and we ask that it be remedied in the code before you. But it has occurred that codes have been changed behind scenes and discriminations against women inserted after the public hearings were over. So I wish to point out the seriousness of the situation. When wages were a private affair between employer and employee lower wages for women may have been customary. But today with the government taking a hand and a party to the transaction it becomes a matter of public concern and when a woman's work is officially rated as of less value than that of a man and her sex publicly stigmatized as inferior from one end of the country to the other, all women are concerned. So we urge

that in this and every other code, regulations shall apply to men and women alike.

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Deputy Rogers: Miss Younger, this code will not be changed behind the scenes, and this falls in the class of the corsets and brassiere group.

Mr. Hanson: To make no distinction between the sexes in this Code, and intend to make none.

Deputy Rogers: The Code of the American Newspaper Publishers' Association contains no differential for women's magazines and makes no distinction. You were doubtless referring to some of the other printing codes.

Mr. Allen.

STATEMENT OF WALTER D. ALLEN.

President of the National Editorial Association.

Mr. Allen: Mr. Administrator, my name is Walter D. Allen and I am the President of the National Editorial Association whose membership comprises both small dailies and weekly newspapers.

I appear at this time to protest the amendment to the American Newspaper Publishers' Association's code, now under consideration, as proposed this morning by William V. Hardy of Pennsylvania, wherein he proposes a subdivision of the ANPA code for weekly, semi-weekly and all other newspapers (except daily and/or daily and Sunday newspapers).

A Code of Fair Practice for all weekday small daily newspapers has already been heard by the Administrator and

efforts have been made by my Association to comply with your wishes to set up a Basic Code for the Graphic Arts Industries and such a basic code was submitted by me on Monday last in cooperation with other Divisions of the Graphic Arts and Hearings lasting four days have been held on this and related codes.

The Code filed by the National Editorial Association was prepared through the results of a duly called Convention of delegates selected or chosen by State Press Associations, duly accredited and authorized to prepare such a code.

Forty-two of the forty-eight States were represented by from two to six delegates and included in such representation was the State of Pennsylvania with two delegates chosen from the Pennsylvania Newspaper Publishers Association of which the proponent of this amendment is the Field Manager.

After two days of deliberation -- August 17 and 18, 1933 -- the Convention unanimously approved the Code which has been filed with the Administration and as the records of the Convention will show authorized the officers of the National Editorial Association to file that code, and further empowered them to make such changes as might be required by the National Recovery Administration.

The Newspaper Managers' Association, for whom Mr. Hardy purported to speak this morning, is composed of seventeen hundred Secretaries of State Newspaper Associations and

of that number twelve were in attendance at the Chicago Code Conference.

The set-up of the Administration of the Code presented by the National Editorial Association provides the governing body of the National Editorial Association as suggested, for the purpose of administering this Code only, by at least four members of the Newspaper Association Managers, Inc., one of whom shall be from the Pacific slope, one from the Middle West, one from the South, and one from the East.

This addition to the governing board of the National Editorial Association was made upon the request of the twelve States whose field managers were present and was approved by the Convention many of whose delegates were officers of the State Associations.

While I appreciate that this hearing today is on a Code for Daily Newspapers, may I again emphasize the statement made to the Administrator yesterday, namely, that of the 1836 daily newspapers in the United States in 1931, according to the figures of Bureau of the Census, 876 also do job printing which as you will observe constituted better than 50 per cent

Of the 5392 weekly newspapers, listed for the same year by the same source of information, 5232 also do job printing or 98 per cent.

It is fair to assume that the greater majority of the daily newspapers which are doing job printing, were those

in the non-metropolitan areas.

In my opinion a Basic Code, to be truly a Basic Code, must include under its provisions, especially those for fair trade practices, all competitive divisions of the Trade Area, but such a code need not preclude the complete autonomy of such divisions.

The National Editorial Association is truly representative of the weekly and non-metropolitan daily newspapers of the country and the American Newspaper Publishers Association in my opinion is equally representative of the metropolitan daily newspapers.

We have no desire to enter into the administrative set-up of the ANPA over their members or metropolitan newspapers, but we do insist that we have the right without interference by the ANPA to set up administration for the members of the N.E.A., all other weekly newspapers and all non-metropolitan dailies who do not belong to the ANPA, and who desire to subscribe to our Code.

The term "metropolitan areas" as used in the brief of the National Editorial Association relates to those 96 areas for which the Bureau of the Census has prescribed boundaries and designated as "metropolitan areas". Each such area contains a large central city and the territory of highly concentrated population immediately surrounding such city. Each area has a total population of at least 100,000.

For example, the New York metropolitan area is merely greater New York. It includes not only New York City, but also the surrounding suburbs and territory which are fundamentally a part of New York City. The same concept holds for the other 96 areas.

The term "central city" refers to the city or cities from which the area gets its name.

Mr. Butler: Mr. Allen ignored the five regional associations.

Mr. Allen: Might I say at the very end of my statement I said all papers that belonged to the American Newspaper Publishers Association.

Mr. Butler: I want to speak for the members of the five regional newspaper associations, which are not members of the American Newspaper Publishers Association, and have no desire to be administered by the National Editorial Association.

Mr. Hanson: I merely want to repeat what I said this morning, Mr. Administrator, that in the membership of the American Newspaper Publishers Association there are metropolitan newspapers and non-metropolitan newspapers and that many of the most active members which we have in our association are the smaller newspapers, daily newspapers of this country which have subscribed to this Code.

Is the figures which were given to you this morning

of daily newspapers subscribing to the Code, there was a total of 1,367, which ~~was~~ with duplications eliminated should be still above 1100, and the American Newspaper Publishers' Association is not now and never has been a city daily organization. We have a membership in the Dakotas, in Colorado, in New Mexico, in Arizona, in every State in this country, with three exceptions, and it is improper and untrue to classify it as an organization of metropolitan newspapers only.

STATEMENT BY L. W. NICHOLS

Mr. Nichols: Mr. Deputy Administrator, I am a publisher of a country newspaper, a daily. I am a member of the Code Committee selected at a Convention of publishers and printers held in Chicago last August, at which time the subject of a Code for the Graphic Arts Industry was under discussion. I represent all of the newspapers represented in this Convention. There were delegates from forty-three States registered and voting.

At the start of the hearings in this auditorium last Monday you very aptly made reference to an impending "Blessed Event," and being yourself, in a manner, one of the interested "relations," you indicated none -- and properly so -- that we might be proud to shortly announce to the waiting world the birth of Master Code.

From the trend of affairs here today it seems we are now faced with the possibility that the "Blessed Event" may bring twins, and where the Godfather had apparently planned only a single layette. If twins do arrive, it is my idea -- to avoid any possible marital complications -- the new born pair might well be characteristic of the well known biological phenomena commonly referred to as "identical twins."

So that the vital statistics may be kept straight and that Master Code and his brother -- or, shall I say sister -- may be as nearly as possible "identical twins," on behalf of the group I represent, I offer as an amendment to the Code now under hearing the following paragraphs relating to the important matter of trade practices:

TRADE PRACTICES RULES

(a) Cost and Accounting:

Each establishment shall maintain accounting records that will furnish and make available, with reasonable accuracy, all the necessary information as to costs of production of its products. Each establishment shall maintain and keep in proper order a cost finding system; or use a price determination schedule based on a cost finding system, or determine production cost values and individual job costs upon any cost rates established by the Divisional Code Authority for its Division, based upon the cost records of comparable plants kept in conformity with an approved cost accounting

system. All cost finding methods and price determination schedules, before becoming effective, shall have the approval of the Divisional Code Authority designated for the administration of such Division.

(b) Cost Protection:

The prices at which the products or services of the establishments covered by this Code are sold shall be based upon cost and no bid shall be submitted, or price quoted, or printed matter or other products or services sold, or rendered, by any establishment for less than the cost of production as determined by the cost accounting methods or price determination schedules provided for under subsection (a) hereof, plus the cost of all materials and outside purchases required to produce such printed matter, or products, or render such services, plus a reasonable profit. However newspapers with a bona fide paid circulation, or periodicals, sold or delivered by the publishers, may be sold by the publishers for less than the cost of production. Existing written contracts shall be left to the negotiation of the establishment and its customer.

(c) Secret or Unfair Relations and/or Agreements:

No making of, or entering to make, secret, unfair or discriminatory payments, or allowances of rebates, commissions, credits, or unearned discounts, in the form of money or otherwise, or the extending to certain purchasers

of printing or advertising, their agents, officials, or representatives, special services or privileges not extended to all purchasers under like terms or conditions, shall not be permitted, and shall constitute a violation of this Code

(d) Deception and Fraud:

Misleading, deceiving or defrauding customers with respect to newspaper circulation; or as to the quantity, quality, grade or substance of stone, or any other material element entering into the completed printed matter or product, shall not be permitted, and shall constitute a violation of this Code

(e) Competitive Relationships

The defamation or damaging of competitor by false imputation as to their conduct, ability, credit service, or by other false statements or representations; or false disparagement of the grade or quality of a competitor's product or service, with the purpose of misleading or deceiving a purchaser, or of injuriously affecting the business of a competitor, or the construction or performances of contracts relationships by any means, or the deliberate enticing away of employes of competitors, or the use of unfair subscriptions or circulation sales and solicitation, or advertising sales methods, or the pirating of ideas, designs, drawings, sketches, or copy, known to be the product of a competitor or

any attempt to avoid contractual obligations, or deliberately inducing, or attempting to induce, the breach of an existing contract between a competitor and his customer by any false or deceiving means whatsoever; or interfering with or obstructing the performance of any such contractual duties or services by any means, shall not be permitted, and shall constitute a violation of this Code

(f) Commercial Bribery

Directly or indirectly to give or permit to be given or to offer to give money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, or principals, as an inducement to influence their employes or principals to purchase or to contract to purchase printed matter, advertising, or other commodities from the giver of such gift or offer, or to influence such employes or principals to refrain from dealing or contracting to deal with competitors' customers, shall not be permitted, and shall constitute a violation of this Code.

(g) False Records

Willfully maintaining an inaccurate improper or false method of determining costs, shall constitute a violation of this Code

(h) Firm Bidding

The one bid policy of competitive bidding is approved, and any practice of collusive bids for the purpose of deceiving competitors or purchasers, or any attempt through connivance to have all bids rejected to the end that a more advantageous position may be secured in new bidding, shall not be permitted, and shall constitute a violation of this Code

(i) Specifications and Prices

Upon complaint of a bidder, in writing, to the Division Code Authority, that a successful bidder has quoted an unfair price

(1) If both bidders are in the same Division, the Divisional Code Authority, or its agent, shall have submitted to them the specifications and prices of the successful bidder on the order and shall investigate and determine whether any infraction of the Code has been committed, or (2) If the bidders are in different Divisions, the Divisional Code Authorities, or their agents, concerned shall similarly investigate and determine jointly whether an infraction of the Code has been committed

(j) Except that the above trade practice rules (a) to (i), inclusive, shall apply only to those establishments in Division No. 4 which sell printing to others, and in those establishments the trade practice rules (a) to (i) above shall apply only to that part of their business engaged in

printing for others.

SECTION 12.

SPECIAL COMPETITION.

No state (including political subdivisions thereof), court, educational, charitable, welfare, penal, or any institution, which is publicly engaged or supported, in whole or in part by contributions, or which is exempt from the payment of any local, state, or Federal taxes whatsoever, shall sell at prices below costs of production prevailing in their respective localities for the same class of work, the product or service of any graphic arts plant which it may own, or control by trust, or operate, in competition with establishments covered by this Code, excepting their own newspapers and periodicals.

Deputy Rogers: In order to clear up an obscure reference to a brilliant event from last Monday, I contemplated that event only in respect to commercial printing, and the industries which will be covered under commercial printing.

The Code of the American Newspaper Publishers Association was put down for separate hearing on Friday, September 22nd.

It was not listed in the notice of hearing of the 22nd, Commercial Printing Code. The separateness of the notice of hearing was an indication of intention on the part of the Administration that there would be a newspaper Code.

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Deputy Rogers. Mr. Masse?

STATEMENT OF G. E. MASSE

Representing Association of National Advertisers.

Mr. Masse. My name is G. E. Masse, representing the Association of National Advertisers, an organization of 360 national advertisers engaged in various lines of industry. I am appearing for that organization. We have no desire to regulate any other industry and we hope that we have to say is not interpreted as such.

Mr. Faby has stated many questions that are in our minds. Those questions, in our opinion, are holding back the flow of advertising which should be coming to newspapers and which will eventually come because those questions will eventually be settled. We feel that the newspapers' lack of endeavor to straighten out various things which confuse the advertisers are responsible for a lack of income, and we hope that the newspaper publishers will sit down and endeavor to straighten out some of those questions and we should like to sit with them and to tell them what is in our minds.

We therefore ask that if the practices are considered, we be given an opportunity to file our opinions or suggestions.

Deputy Rogers: Mr. John F. Moore.

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STATEMENT OF JOHN F. MOORE

Mr. Moore. I am pinch hitting for Mr. W. G. Campbell, Director of the Food and Drug Administration of the United States Department of Agriculture.

The statement I am about to read is his statement which he has prepared for you, representing the Food and Drug Administration of the United States Department of Agriculture.

MEMORANDUM TO THE DEPUTY ADMINISTRATOR

at public hearing on the Newspaper Code.

Representing the Food and Drug Administration of the United States Department of Agriculture charged with the enforcement of the Federal Food and Drugs Act, my concern in the formulation of a newspaper code is from the standpoint of public interest and public protection. While we are concerned in the elimination of abuses in the production and sale of all commodities, we speak particularly in the interest of such matters in the marketing of foods and drugs.

The so-called Pure Food Act was passed in the interest of the consumer. The Supreme Court has interpreted it as having that purpose. Experience, however, has shown that it protects the honest manufacturer as well, by relieving him of unfair competition. It, among other things, requires purity in production and honesty in the sale and distribution of foods and drugs. On the date of its passage, June 30, 1906, that law dealt specifically with the conditions pre-

vailing at that time. Quite admirably, it did not provide for the regulation of trade abuses which time has developed.

Prior to the passage of this law, representations concerning composition, nutritive value and remedial properties of foods and drugs were asserted principally on the labels of the products themselves. An important provision in the statute requires that such claims be free in every particular from false, misleading, and fraudulent statements. The enforcement of this statute has brought about the elimination of untruthful assertions from package labels; they appear now in exceptional cases only. In due course there was transferred to the field of advertising those claims about the character and the value of such products which could no longer appear on the labels. This transition was natural because the provisions of the act do not cover advertising. Neither does the law require descriptive or informative labeling. In its prohibition alone of false and misleading statements, the act makes possible the sale of food and drug products without conveying any information on the label. This leads to the deception of the consumer by the use, through newspapers and other forms, of advertising in which the most fantastic, untrue and vicious promises are made. Concrete exhibits of food and drug products illustrating such abuses can be produced without number.

I am aware, of my own personal knowledge, that certain

important newspapers are opposed to lending themselves in this manner to the deception of the public. I know, too, that such publications have undertaken to regulate their own advertising practices. I fancy that it is not a violent assumption to say that all newspaper publishers have similar inclinations. The success of such effort, however, is compromised by the inability of the publication to determine the falsity or the truthfulness of the advertisements offered to them. There is no agency to which they can appeal for a determination with finality on this score. They should not be required, nor is it expected that they maintain a corps of highly trained scientific experts, with adequate laboratory facilities to make the intricate and involved, chemical, microbiological and bacteriological analyses upon which this determination depends.

The primary responsibility for the claims made for his products, whether on the package label or in advertising statements, properly rests with the manufacturer himself. That fact is recognized in the terms of the bill recently introduced by Senator Copeland, prepared by the direction of the President, and intended to supplant the present food and drugs law. That bill requires of publishers only such cooperation as may be necessary to fix this liability on the manufacturer.

In the master code of the food industry there is a

paragraph which provides: "No one in the food and grocery industry shall make or use any false or misleading advertisement of any kind through any medium, or otherwise deceive the purchasing public." In the code filed on August 12, 1937, by the American Drug Manufacturers Association and the American Pharmaceutical Association there is a section under trade practices which declares: "It is unfair competition to publish any false, untrue, or deceptive statement, by way of advertising or otherwise, concerning the grade, quality, quantity, substance, origin, or preparation of any product of the industry, including the making of 'false and fraudulent' claims." These expressions are a recognition by producers of food and drug products that, responsibility for, and correction of, the current advertising abuses which characterize so largely the sale of food and drug products to the detriment of the public rests, in large degree at least, with them. An observation of these commitments, however, cannot be satisfactorily effective in the absence of appropriate cooperation with the various advertising media. This assertion is in effect endorsed by the outdoor advertising industry which, in its code submitted on August 20, 1937, states: "No advertising structure owned or operated by a subscriber will display copy *** which induces a violation of Federal and/or State laws, or which is offensive to the moral standards of the community at the time the copy is offered for display, or

which is false, misleading, or deceptive."

Furthermore, the code of fair competition for the advertising newspaper industry, as submitted on August 24, 1933, asserts: "Every member of this industry shall be bound to maintain and enforce the highest standards of business practice and truth in advertising."

In our view, the significant feature of the code now under consideration which has been so comprehensively discussed by Mr. Hanson and others is the total absence of any reference to the attitude of its proponents on the subject of false advertising. This point is of fundamental importance to the public. The acquirement of countrywide popularity, the effective promotion of sales of foods by resort to untrue representation of their nutritive value, of drugs by claiming extravagant curative qualities which they do not possess, and of cosmetics by asserting that they are entirely harmless in the face of unnumbered instances of permanent physical injury caused by their use is definitely at variance with those practices which should be dictated by an interest in the national welfare. In the interest of the public, upon whose patronage a continuation of successful advertising not only, but the very life of newspapers depends, I offer the following amendment to the submitted code:

"We subscribe to the principle of truth in advertising and to this end shall not knowingly accept or publish any

advertisement which is false or misleading in any particular, and, in recognition of the danger to public health of the false advertisement of food, drugs and cosmetics, shall undertake to cooperate with any lawfully constituted agency charged with the enforcement of such regulatory laws as are now or may hereafter be enforced with respect to such products.

Very truly yours,

W. G. Campbell,

Chief.

Mr. Hanson. May I speak?

Deputy Rogers. Yes.

Mr. Hanson. In order that the record may be absolutely straight on this proposition and this amendment offered by the Department of Agriculture, permit me to state that last spring I was called into conference by the Assistant Secretary, Prof. Tugwell, and Mr. Campbell, and, acting as a representative of my association at that conference, I said that we would agree to cooperate with them in passing any proper law. At the conclusion of that conference I was told that the matter was still under consideration, that these gentlemen did not have any definite fixed views in their minds, and I was asked if I would hold myself available to come back and discuss the matter further with them.

This is the first time that I have heard from the De-

partment of Agriculture.

No newspaper member of my association today will publish any advertisement of any product which has been barred under the food and drug act, but this association does not feel compelled to come in and put in a lot of statements of principles on this, where laws are in existence now or where laws may be passed in the future covering that very situation.

Deputy Rogers. At this point I note in the stenographic transcript that a brief has been submitted and will be attached to the record. The brief is filed on behalf of the International Brotherhood of Teamsters Chauffeurs, Helpers and Garage Employees, and deals with the code of fair competition of the Newspaper Industry.

The next group of witnesses will be representatives of labor.

In order not to make the editorial writers, the reporters work longer than eight hours, and thus accumulate vacation time we will recess until tomorrow morning at ten o'clock.

(Whereupon, at 5:08 o'clock p.m., a recess was taken, the hearing to be resumed tomorrow morning, September 27, 1933, at 10 o'clock a.m.)

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SECOND DAY

NATIONAL RECOVERY ADMINISTRATION

Washington, D. C.

Saturday, September 23, 1933.

CODE OF FAIR COMPETITION

for the

AMERICAN NEWSPAPERS' INDUSTRY

Deputy Rogers, presiding.

The hearing was called to order by Deputy Rogers in
the Auditorium, Department of Commerce Building, Washington,
D. C., at 10 o'clock A. M.

Deputy Rogers: I put in the stenographic transcript
of these hearings statement of Mr. E. F. Kelster, of Stras-
burg, Virginia, and a briar filed by Waldo G. Holden of the
American Federation of Labor in behalf of Newsboys Union No.
14834, of Seattle, Washington, for the American Newspaper
Publishers' Industry Code.

(The statement by Mr. Kelster, referred to by Deputy
Rogers, reads as follows:)

Mr. Kelster: Mr. Administrator, I am E. F. Kelster of